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Ontario Highway Transport Board
ANNUAL REPORT
1979



ANNUAL REPORT
OF
THE ONTARIO HIGHWAY TRANSPORT BOARD
FOR THE YEAR ENDING DECEMBER 31, 1979



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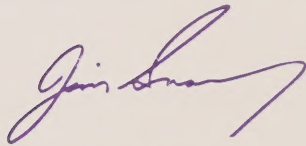
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To: The Honourable Pauline M. McGibbon,
O.D., B.A.,, L.L.D.,D.U.(Ott.)
Lieutenant-Governor of the Province of Ontario

MAY IT PLEASE YOUR HONOUR:

The undersigned takes pleasure in submitting the Annual
Report for the Ontario Highway Transport Board for the
calendar year ending December 31, 1979.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'James Snow', with a stylized, sweeping flourish at the end.

James Snow
Minister

To:

The Honourable James Snow
Minister of Transportation and
Communications.

Sir:

I have the honour to present the report of the activities
of The Ontario Highway Transport Board for the calendar
year ending on December 31, 1979.

Respectfully submitted,

A handwritten signature in dark ink, reading "Bruce B. Alexander". The signature is fluid and cursive, with the first name "Bruce" being more prominent and the last name "Alexander" following in a similar style.

Bruce B. Alexander, Q.C.
Chairman

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1979 Annual Report Of The Board

MEMBERSHIP

Two long-standing Members of the Board will retire in 1980, Mr. G.W. Stoddart and Mr. Vernon H. Page. The Board wishes to acknowledge their special contribution. Mr. Stoddart joined the Board in 1957 and Mr. Page in 1970. Both served the Board diligently and well and are widely respected in the transportation industry.

THE REVIEW OF BOARD POLICY AND PROCEDURE:

(i) Overview

While the formal review of Board policy and procedures commenced on September 26, 1978 is almost complete, it is apparent that the Board must maintain an ongoing evaluation of its processes to ensure that they continue to be as simple, efficient and fair as possible. A resume of the progress of the review is included as Appendix K to this report.

Many of the changes undertaken by the Board in 1979 reflect in large measure the recommendations of the Select Committee on The Highway Transportation of the Select Committee on The Highway Transportation of Goods and the Resource Development Committee, tabled late in 1979.

(ii) Management Process

Effective March 1st, 1979, the Board established a new organizational structure which stemmed from the work of the review of Board procedures which was commenced in the previous year. Changes in reporting relationships and responsibilities were implemented in the Spring of 1979. Certain senior positions are not yet filled. A copy of the Board's current organization chart is attached as Appendix A.

The newly created Office of Proceedings and Secretary will have the responsibility of screening incoming applications and will deal with public inquiries. It will provide a focal point for public contact. The position of Managing Director is designed to allow greater delegation of administrative routine from the Chairman and Vice Chairman. They will then be in a position to allocate more of their efforts to addressing policy questions and participating in the hearing process.

The Board is in the process of finalizing the redesign of its office layout to identify public areas more clearly, and provide better access for the public to the staff who can assist them.

Regular seminars for members have been inaugurated to review policies and procedures and broaden their knowledge and skills.

Weekly staff meetings are being held to improve internal communication and administrative procedures. These seminars and meetings have proven extremely worthwhile resulting in useful suggestions.

The Board, is examining its operations with a view towards utilizing both word and data processing equipment.

(iii) Information

The Board published a pamphlet: AN INTRODUCTION TO THE ONTARIO HIGHWAY TRANSPORT BOARD and is encouraged by the many requests for copies.

Publications outlining the requirements for transfers of operating licences and transfers of shares in licensed corporations are completed for publication and brochures setting out the basic elements of public necessity and convenience in Class "R" and Class "H" type applications are being prepared for publication.

The Board will continue the program of publishing statements on matters of procedure or policy when they may be of assistance to the public.

(iv) Roles and Responsibilities

As required of all Ontario Government Agencies, the Minister of Transportation and Communications and the Chairman signed a Memorandum of Understanding on November 9th, 1979. The Memorandum of Understanding sets out the respective administrative responsibilities of the Ministry and the Board and provides a basis for ongoing communication and co-operation.

A Memorandum of Agreement has been entered into by the Board and the Airport General Manager, Toronto International Airport. This memorandum sets out the respective roles and responsibilities of Transport Canada and The Board with respect to the regulation and control of taxicabs and "limousines" operating from the Toronto International Airport. Such regulation is under the jurisdiction of the Federal Government. The Board serves as an advisor to the federal government on such matters.

The Board will no longer accept applications for taxi permits to operate from the Toronto International Airport and the waiting list of applicants has been turned over to Transport Canada for supervision.

(v) Policy Development and Hearing Procedures

On July 20, 1979 the Board issued a report on the Class "R" (dump truck) segment of the trucking industry. This report followed a series of meetings held in various locations around the Province.

The Board, towards the end of the construction season of each year, will group Class "R" applications so they may be considered together at one hearing at various locations in the Province. At the beginning of the hearings, the public, will be encouraged to submit general information on supply and demand in the specific area where applications are heard. It is expected that these procedures will allow decisions on Class "R" applications to better reflect the needs of local areas.

The Board has implemented a new system of processing applications, designed to expedite the scheduling of hearings. All applications, with the exception of Class "R" applications and certain applications for transfer, are now advertised under Section 8 of

Regulation 632 of The Ontario Highway Transport Board Act. This allows the matter to be advertised without fixing a time and date for a hearing. Scheduling takes place with knowledge of the opposition attracted by the application and the length of time required to complete the hearing. The result of this early identification of respondents and time requirements has been a decided improvement in scheduling arrangements to the benefit of all parties to the hearing process.

The Board has developed a procedure for dealing with Class “D” applications without a hearing, where they are supported by documentary evidence satisfactory to the Board. This procedure has the potential of reducing substantially the number of necessary hearings. A copy of the Board’s policy statement on the use of Section 8 is attached as Appendix B. The Policy was introduced after a public meeting to obtain comment from interested parties.

The Board has improved its ‘index to written reasons’. This project was one of several handled by Miss Connie Hueston, a recent addition to Board staff. The ‘index’ is available at the Board Offices, and we invite public reference. Combined with an expansion in the number of written reasons issued by the Board, the index will be of considerable benefit to those interested in better understanding the Board’s decision making. The Board is investigating methods of publishing the written reasons of the Board.

Prehearing conferences are used where appropriate for the purpose of expediting hearings.

The Board is taping hearings wherever held in the Province, a practice that was previously confined to Toronto.

LEGISLATION

(i) General

In 1979 two Acts of particular relevance to the Board were passed. Bill 88, an Act to amend The Ontario Highway Transport Board Act and Bill 89, an Act to amend The Public Commercial Vehicles Act. The amendments in Bill 88 clarified the member’s authority with respect to reviews, rehearings, and In Chambers decisions. Bill 89 among other things provided for two new types of licences – The Probationary Licence and the Class “W” Licence.

The probationary licence flows from a recommendation of the Select Committee on the Highway Transportation of Goods. The legislation permits applications for operating authority by persons who operated in the period October 1, 1974 to October 1, 1976 without an operating authority other than Class F, FS or R. The Class W licence is a new licence for wood and wood products.

(ii) Order in Council Policy Statements

Bill 89 provided for the issuance of Order-In-Council Policy Statements which the Board must consider when determining questions of public necessity and convenience.

The Public Vehicles Act had previously been amended along the same lines. Copies of all Orders-In-Council, issued to date under both Acts are contained as Appendix C.

The general public commercial vehicle and public vehicle guidelines represent for the most part, a codification of matters that have traditionally been considered by the Board. They are not the only criteria upon which the Board bases its decisions, as under the legislation the Board must consider them "together with such other matters as the Board considers appropriate", in determining public necessity and convenience.

The Board welcomes the advent of policy statements and encourages parties to make the fullest use of them in presenting their positions during hearings on specific applications.

For parties to Board hearings the guidelines provide a permanent and public record of policy and all parties start off with a better knowledge of what evidence to present and how their applications are to be judged. The Board itself benefits because the application of the guidelines encourages a consistent approach to decision making among Board members.

The enactment of an Order-In-Council guideline is one of a number of alternative approaches to the creation of transportation policy. Policy may also be developed through the public hearing process such as was employed by the Board last year in connection with the dump truck industry or through the use of the new sections of the P.V. or P.C.V. Acts which authorize the Minister to direct the Board to investigate and report on matters relating to transportation policy.

Court Decisions

The Supreme Court Decisions in Parent Cartage and United Parcel Service have had a significant impact on the Board's operations. These judgements made it clear that the Board's power to initiate a review under Section 17 of The Ontario Highway Transport Board Act was limited to the correction of errors or ambiguities to give true effect to what was intended and the review of decisions impugned as a result of some irregularity or impropriety in the decision making process. The Court upheld the Board's Decision to review the U.P.S. case on the latter ground.

As a result, the Board was forced to discontinue its practice of initiating the review of licenses on the basis of convictions under the relevant statutes and of acting as an appeal tribunal for its own decisions except in the limited circumstances mentioned above. The provision in legislation of a specific review power for the Board is now under consideration.

The initiation of hearings on matters of enforcement became the exclusive responsibility of the Minister under the referral sections of the Public Commercial Vehicles and the Public Vehicles Acts.

REGULATIONS:

Regulation 632 under the Ontario Highway Transport Board Act was amended in 1979 to reduce the number of copies of various documents which have to be filed with the Board.

TRANSPORTATION

Transportation is vital to the health, vitality and competitiveness of Ontario producers and manufacturers. Truck transportation influences the price and marketability of almost all goods consumed or produced in Ontario .

The bus and truck transportation industries are vital components of the Ontario economy. They contribute significantly to the Gross Provincial Product and directly employ a substantial number of Ontario citizens. The multiplier effects of investments in these industries are significant for other sectors of the economy. It is imperative that Ontario retain viable and economically sound transportation industries which are flexible enough to respond to ever changing needs.

In both the bus and truck industries, there will continue to be growing pressure on carrier costs due to rapid increases in the price of fuel and equipment. These factors will increasingly force carriers to find ways to minimize their costs and to handle "cargo" as efficiently as possible. These pressures are also on those who choose to move goods by private truck and travel by private automobile and they too are being forced into an assessment of their transportation requirements. All this underlines the need to have an efficient and viable for hire transportation system.

The Board is acutely conscious of the cost pressures facing the bus industry. As it appears that many regular route operations in Ontario do not produce enough volume and revenue to result in a profit for the operator, the pressure to cross-subsidize such operations from charter and other services will continue to increase. However, there is public value in keeping bus rates at a reasonable level on regular routes. Bus travel is attractive and energy efficient and in many communities in Ontario provides the only alternative to the passenger motor vehicle.

Via Rail competition in major market areas will continue to have its effect on the bus industry. The Board noted with interest the establishment of the Ontario Task Force on Provincial Rail policy to examine Ontario's rail policy. There is a growing need for the government and the private sector to examine the respective roles of passenger rail and passenger bus transportation.

Discussions were held with the Ministry of Transportation and Communications and the industry on Board procedures with respect to the approval of bus tariffs. Internal procedures were revised and significant decreases in processing time resulted.

The Board recognizes the concern of the regulated industry with respect to the rapid growth of 'for-hire' bus services provided under the guise of leases to avoid Public Vehicle Act licensing requirements. This matter is being considered by the Public Vehicle Review Committee.

STATISTICS AND ANALYSIS

A statistical analysis of the Board's activities during the past year are set out in Appendices "D" to "J".

Appendix "D" sets out the number of applications received by the Board.

Appendix "E" details the disposition of the applications dealt with after a hearing and Appendix "G" details the disposition of those that were considered In Chambers.

As indicated by Appendix "H" the percentage of applications granted after a hearing was 77%. Excluding Class "R's" the percentage approved was 83%.

The percentage of applications approved In Chambers was 72%. Excluding Class "R's" the percentage approved was 78%.

The number of cases withdrawn remained reasonably constant. The percentage was 11.2% of all decisions in 1978 and 12.3% in 1979.

The number of cases opposed increased in 1979. Of all cases considered at hearings in 1979, 33% were opposed compared to 24% in 1978. In those cases that were opposed the number of objections filed increased rather significantly by 42.5% over 1978 and the average number of oppositions per case opposed rose from 3.6 to 4.8.

As indicated in Appendix "J" 33% of all cases dealt with at public hearings in 1979 (686) were heard at 52 sittings outside the City of Toronto. The Board participated in a total of 5 joint hearings.

During the past year the Board played an active role in the Canadian Conference of Motor Transport Administrators.

Ministry of
Transportation and
Communications



ONTARIO HIGHWAY TRANSPORT BOARD

CHAIRMAN
ONTARIO HIGHWAY
TRANSPORT BOARD
01

SECRETARY
TO
CHAIRMAN
02

MANAGING
DIRECTOR
20

TRANSACTION		DATE
LETTER	LEGEND	

LEGEND	
1	NEW POSITION
2	POSITION ABOLISHED
3	TO/FROM OTHER CHART
4	POSITION TITLE CHANGE
5	POSITION NUMBER CHANGE
6	CHANGED REPORTING RELATIONSHIP
7	MISCELLANEOUS - SEE NOTE
8	REVISED CHART

VICE-CHAIRMAN
05

SECRETARY
TO
VICE-CHAIRMAN
06

MEMBER
OF
BOARD
07

SECRETARY
TO
MEMBER OF BOARD
09

MANAGER
OFFICE OF
PROCEEDINGS
AND SECRETARY
22

PROGRAM
ADVISOR
34

TARIFF
INFORMATION
OFFICER
36

CASE REVIEW
AND
INFORMATION
OFFICER
27

CASE
REVIEW
CLERK
30

SUPERVISOR
OF
COURT
CLERKS
24

COURT
CLERK
26

MANAGER
ADMINISTRATIVE
SERVICES
40

GROUP
LEADER
TYPISTS
42

SUPERVISOR
OF
CLERKS
54

GAZETTING
CLERK
48

SENIOR
TYPIST
44

GROUP
LEADER
FILING
56

OFFICE
CLERK &
RECEPTIONIST
62

RATE
CLERK
TYPIST
50

TYPIST
46

FILING
CLERK
58

RECORDS
AND STATISTICS
CLERK
64

RATE
FILING
CLERK
60

POSITION
TITLE
04

POSITION CODE No.

CHART COMPLEMENT

CHAIRMAN

RECOMMENDED

APPROVED

DIRECTOR OF PERSONNEL

MINISTER

APRIL 1, 1980

APPENDIX 'B'

— POLICY STATEMENT —

November 19, 1979

ITEM: Expanded Use of Section 8 Proceedings.

OBJECTIVES: To reduce the number of hearings required in unopposed applications and to improve the scheduling process.

COMMENT: The Board advertised a proposal in the Ontario Gazette June 2, 1979 outlining its thinking on expanding the use of Section 8 of Regulation 632 under **The Ontario Highway Transport Board Act**. A public meeting was held June 14, 1979 to receive public comment on the proposal. Written submissions were requested by July 31, 1979. This policy statement is the result of this process.

"Section 8" provides that if a notice is placed in the Ontario Gazette and no opposition to that application is received within fifteen (15) days of the date it is published, the Board may dispose of the matter summarily.

The Board has for many years advertised particular types of applications under Section 8, and disposed of these In Chambers.

The procedure has generally been utilized in situations where it appeared to the Board that a need was apparent and the application would not generate opposition and where there was no apparent reason such as fitness of the applicant, to hold a public hearing. Examples of matters which are normally disposed of under Section 8 are:

- P.V. (School Bus) applications.
- Some applications for reinstatement of operating licences up to September 30th, in the year of expiry.
- In transit moves.
- Class "E", change of producers for and on behalf of the Milk Marketing Board.
- Transfers of shares or operating licences involving less than one million dollars.
- Other miscellaneous matters of a normally "routine" nature.

STATEMENT:

The Board will advertise all applications except for Class “R” P.C.V. operating authority under Section 8, but will extend the principle of dealing with matters in Chambers only to Class “D” applications at this time. (The Board will continue to deal with school bus applications, transfers, reinstatements, etc. In Chambers as outlined above).

The following will apply to applications to be advertised on or after December 1st:

- . Applicants may be requested to clarify the terms of their applications before publication.
- . Applicants may also be required to file documentation with respect to the proposed application (eg’s, agreement of purchase and sale, school contracts, etc.).
- . When the application is in acceptable form for publication and required documentation is filed, it will be advertised under Section 8 thereby giving public notice without setting a time and place for the hearing.
- . To assist the Board in scheduling, applicants will be requested to inform the Board on the following:
 - length of time required to present applicant’s case,
 - number of witnesses expected to be called,
 - suggested dates for the hearing.

This will be done in the case of an application requiring a public hearing, at the time of advertisement; and in the case of an application which might under this policy be disposed of In Chambers, upon receipt of opposition.

Matters Requiring a Hearing

A hearing will be scheduled upon notice to the parties without further advertisement. The regular scheduling meetings held each Thursday at 4:00 PM in Hearing Room No. 1 will continue.

Matters That May be Resolved in Chambers

To proceed with any matter In Chambers, the Board will require evidence in support of the application such as sworn affidavits from shippers attesting to the need and convenience of the service, an outline of why, in the applicant’s view the service is necessary and convenient and/or a general statement of intent by the applicant.

The following procedure will apply:

- In Class "D" applications the applicant may file such supporting evidence at the time of making the application or at the expiry of the 29 day period. If the latter course is taken, applicants are encouraged to prepare this material during the advertising period, to expedite final disposition.

For other matters disposed of In Chambers, such evidence is normally required by the Board prior to advertisement.

- If within a time specified such evidence is not forthcoming or the evidence presented is not sufficient, the Board will set the matter down for a public hearing, upon notice to the applicant.
- If there is no opposition and satisfactory evidence is filed, the Board would grant the application summarily and advise the applicant as a matter of course.

The Board intends to extend its use of In Chambers decisions to other types of applications as experience is gained on the basis of this initial step.

The Board may utilize its power to assess costs to discourage frivolous applications or opposition.

It should be noted that Section 8 notice does not guarantee disposition without a hearing or a grant of the authority applied for.

B. B. Alexander,
Chairman.

BBA/lsr

APPENDIX 'C'1

O.I.C. POLICY STATEMENT P.C.V.A. (GENERAL)

OC #: 2105/79

Certification date: 18th, July 1979

Gazette Date: 11th, August 1979

(Pursuant to **The Public Commercial Vehicles Act**, R.S.O. 1970, c.375 and amendments thereto)

... The Honourable the Minister of Transportation and Communications recommends that the Ontario Highway Transport Board, in determining questions of public necessity and convenience, take into consideration the need for an efficient and viable transportation industry which, given the characteristics of the suppliers and the nature of the market to be served, will:

1. support Ontario's general economic productivity;
2. use capital, equipment and manpower resources efficiently;
3. promote the efficient use of energy and minimize empty movements;
4. be responsive to existing market demand and changes thereto in terms both of the level and type of service;
5. offer service at the lowest cost in the long run;
6. be characterized by effective competition both within the trucking industry and between the trucking industry and other modes;
7. be innovative in service levels, equipment design and utilization, administration and freight-handling procedures;
8. take advantage, where possible, of intra-modal and inter-modal co-ordination; and
9. be provided by an appropriate mixture of small, medium and large operators.

APPENDIX 'C'2

O.I.C. POLICY STATEMENT P.C.V.A. (CARTAGE)

O.C. #: 2104/79

Certification Date: 18th, July 1979

Gazette Date: 11th, August 1979

(Pursuant to **The Public Commercial Vehicles Act**, R.S.O. 1970, c.375 and amendments thereto)

. . . The Honourable the Minister of Transportation and Communications therefore recommends that the following be taken into consideration by the Ontario Highway Transport Board when determining questions of public necessity and convenience in relation to determining whether to recommend the designation of a commercial cartage zone:

1. the extent to which a single local community of economic interest exists throughout the area under consideration for inclusion in the commercial cartage zone;
2. the extent of economic interaction among the businesses and industries located within the commercial cartage zone under consideration;
3. the patterns of existing and predicted demand for local and line-haul trucking services;
4. the present availability of both local and line-haul trucking services to shippers; and
5. the impact of the creation of a commercial cartage zone upon existing local and line-haul carriers.

APPENDIX 'C'3

O.I.C. POLICY STATEMENT – P.C.V.A. (CLASS W)

O.C. #: 114/80

Certification Date: 23rd, January, 1980

Gazette Date: 16th, February, 1980

(Pursuant to **The Public Commercial Vehicles Act**, R.S.O. 1970, c.375 and amendments thereto)

. . . The Honourable the Minister of Transportation and Communications therefore recommends that, in addition to the considerations set out in Order-in-Council numbered OC-2105/79, the following matters be taken into consideration by the Ontario Highway Transport Board when determining questions of public necessity and convenience in relation to applications for Class 'W' public commercial vehicle operating licences for the transportation of logs, timber, rough or dressed lumber, laminated lumber, laminated wood blocks, wooden ties and poles, plywood, particle board, waferboard, fibrewood, veneer, bark, wood-chips, shavings, sawdust and wood flour.

1. The needs of shippers supporting the application and the ability of the applicant to provide a safe and efficient transportation service shall be given primary consideration.
2. Evidence of a licensed carrier opposing an application shall be given weight relative to the extent to which such carrier currently transports Class 'W' commodities from the region in respect of which the application is made and the extent to which his transportation service to the public would be adversely affected by the granting of the licence to the applicant.
3. Where the applicant is a licensed carrier, evidence that a Class 'W' licence would result in better utilization of the applicant's equipment moving from the regions for which the application is made shall be considered.
4. Evidence of public necessity and convenience in respect of one or more commodities shall be considered as support for the granting of the total list of commodities for which a Class 'W' licence may be issued.

APPENDIX 'C'4

O.I.C. POLICY STATEMENT P.V.A. (GENERAL)

OC #: 3005/78

Certification Date: 18th, October 1978

Gazette Date: 11th, November 1978

(Pursuant to **The Public Vehicles Act**, R.S.O. 1970, c.392 and amendments thereto)

. . . The Honourable the Minister of Transportation and Communications recommends that the following be taken into consideration by the Ontario Highway Transport Board when determining questions of public necessity and convenience:

1. The availability of an efficient inter-urban bus passenger and associated express freight service, reflecting public demand and the integration of such service with all other passenger transportation systems in Ontario;
2. The need for competition to ensure the best service at the lowest cost to the public, while having regard to the economic impact on the licensed carriers;
3. The ability and willingness of the applicant to provide service for which there is public demand, combining, as appropriate to the market to be served, marginal or sub-marginal and profitable services;
4. The suitability of the applicant's proposed scale and style of operations in the market to be served.

APPENDIX 'C'5
O.I.C. POLICY STATEMENT P.V.A.
(AIRPORT)

O.C. #: 976/79

Certification Date: 4th, April, 1979

Gazette Date: 5th, May, 1979

(Pursuant to **The Public Vehicles Act**, R.S.O. 1970, c.392 and amendments thereto)

. . . The Honourable the Minister of Transportation and Communications therefore recommends that the following be taken into consideration by the Ontario Highway Transport Board when determining questions of public necessity and convenience in relation to ground transportation services involving Toronto International Airport:

1. Convenient, low cost inter-urban ground transportation services to and from communities served by Toronto International Airport.
2. Compatibility of services licensed under The Public Vehicles Act with the requirements for ground transportation services at the Airport as expressed by the Airport administration, taking into account motor vehicles serving the Airport under the authority of permits issued by the Airport Manager.

APPENDIX D

Applications Received

January 1st 1979 to December 31st 1979

Public Commercial Vehicle Act*

Class		
A	235	
C	87	
D	747	
E	27	
F	113	
FS	46	
FF	1	
H	52	
K	35	
R	1355	
T	117	
L	9	
W	69	
Sub Total:		2893

Motor Vehicle Transport Act Canada 927

Airport Licences 35

Public Vehicle Act

Public Vehicle	243	
Public Vehicle (School Bus)	239	
Sub Total:		482

Total No. of Applications: 4337

Total No. of Leases 515

Public Vehicle Tariffs Referred: 361

* Applications for probationary licences are included in the totals for their corresponding class.

APPENDIX 'E'

Applications considered at hearings, 1979.

C L A S S	Transfers of Shares	Applications				Total	Reviews
		Licences	Granted	Denied	Withdrawn		
The Public Commercial Vehicles Act.							
A	—	5	35	12	93	145	7
C	—	—	50	4	13	67	3
D	—	5	243	45	54	348	10
E	—	—	2	—	—	2	—
F	—	1	29	1	3	34	—
FF	—	—	—	—	—	—	1
FS	—	1	10	2	1	14	—
H	—	—	16	7	1	24	—
K	—	1	9	2	4	16	3
L	—	—	—	—	—	—	—
R	1	13	505	219	44	785	1
T	—	—	31	3	6	40	—
The Public Vehicles Act.							
PV	2	—	42	16	33	94	3
PV(SB)	—	1	9	2	1	13	—
The Motor Vehicle Transport Act.							
Goods	7	5	222	50	74	358	6
Persons	—	—	—	3	6	21	—
Freight	1	—	11	1	2	3	—
Forwarders	—	—	—	—	—	—	—
TOTALS:	11	32	1214	367	335	1,964	34

APPENDIX 'F'

OHTB REVENUE

FOR THE PERIOD JANUARY 1ST, 1979
TO DECEMBER 31ST, 1979
(ROUNDED TO NEAREST DOLLAR)

Application Fees	\$136,860.00
Court Costs	45,595.00
Transcripts	6,437.00
Tariffs (Including Copies)	87,854.00
Miscellaneous	18,283.00
Credits & U.S. Exchange	1,743.00
Gross Revenue	296,772.00
Less: Refunds, NSF Cheques	6,584.00
Net Revenue	\$290,188.00

APPENDIX "G"

Applications considered in Chambers, 1979

C L A S S	Transfer of		Applications			Interims and Temporaries		1979 Total	1978 Total
	Shares	Licences	Granted	Denied	Withdrawn	Granted	Denied		
The Public Commercial Vehicles Act.									
A	6	8	8	1	8	99	4	134	78
C	1	3	4	—	1	23	4	36	26
D	3	47	58	17	36	109	100	370	361
E	1	4	13	—	—	5	—	23	23
F	—	25	11	2	6	13	3	60	83
FF	—	—	—	—	1	—	—	1	1
FS	—	12	8	1	2	6	3	32	20
H	—	6	25	—	1	8	2	42	38
K	2	7	2	1	4	3	4	23	18
L	—	—	8	—	—	—	—	8	5
R	—	137	159	41	57	152	172	718	565
T	—	1	4	1	2	33	15	56	47
The Public Vehicles Act.									
PV	6	17	30	6	23	52	20	154	171
PV(SB)	—	44	180	7	18	34	1	284	224
The Motor Vehicle Transport Act.									
Goods	26	26	99	11	39	147	74	422	358
Persons	1	3	13	3	4	2	8	34	34
Freight	—	—	—	—	—	—	—	—	—
Forwarders	—	—	—	—	1	—	1	2	1
Total	46	340	622	91	203	686	411	2,399	2,053

APPENDIX 'H'

Applications Considered At Public Hearings

Percentages Granted, 1978 and 1979

	1978	1979
Class R	58%	70%
Others	86%	83%
All Classes	75%	77%

Applications Considered In Chambers,

Percentages Granted

	1978	1979
Class R	63%	60%
Others	80%	78%
All Classes	81%	72%

APPENDIX 'I'

CASES DECIDED AT HEARINGS

1979

CLASS	DECISIONS	NUMBER OF CASES UNOPPOSED	NUMBER OF CASES UNOPPOSED	% OPPOSED	NUMBER OPPOS. FILED	AVERAGE NUMBER OF OPPOSITION
A	145	87	58	60%	760	8.7
C	67	22	45	33%	186	8.5
D	348	181	167	52%	684	3.8
E	2	1	1	50%	1	1.0
F	34	10	24	29%	25	2.5
FF	0	0	0	0%	0	0.0
FS	14	6	8	41%	16	2.7
H	24	16	8	67%	45	2.8
K	16	11	5	69%	50	4.6
L	0	0	0	0%	0	0.0
R	785	27	758	3%	96	2.6
T	40	18	22	45%	59	3.3
X	358	194	164	54%	884	4.6
PVX	3	3	0	100%	29	9.7
FFX	21	14	7	67%	43	3.1
PV	94	51	43	54%	215	4.2
PVS	13	1	12	8%	3	3.0
TOTAL	1,964	642	1,322	33%	3,069	4.8
TOTAL EXCLUDING 'R's	1,179	615	564	52%	3,000	4.9

APPENDIX J

ONTARIO HIGHWAY TRANSPORT BOARD

NUMBER & LOCATION OF OUT OF TOWN & JOINT HEARINGS

MONTH	PLACE	# OF HEARINGS	TOTAL
January	Sarnia	1	
	Ottawa	29	
TOTAL			30
Feburary	London	40	
	Kitchener	20	
	Toronto (joint)	1	
TOTAL			61
March	Sault Ste. Marie	7	
	Sudbury	38	
	Kapuskasing	10	
	Timmins	12	
	Ottawa	1	
	Thunder Bay	34	
	Dryden	14	
	Fort Frances	6	
TOTAL			122
April	Ottawa	15	
	Windsor	11	
	Whitby	74	
	Montreal (joint)	1	
	Barrie	1	
	St. Catharines	1	
TOTAL			103
May	Quebec City (joint)	1	
	Innisfil (township)	1	
	London	39	
	Ottawa	30	
TOTAL			71
June	Sudbury	29	
	Windsor	1	
	Kitchener	21	
	Thunder Bay	18	
	Dryden	2	
TOTAL			71

APPENDIX J

ONTARIO HIGHWAY TRANSPORT BOARD

NUMBER & LOCATION OF OUT OF TOWN & JOINT HEARINGS Page 2

MONTH	PLACE	# OF HEARINGS	TOTAL
July	Pembroke	6	
	Chapleau	1	
TOTAL			7
August	Windsor	1	
	Peterborough	1	
TOTAL			2
September	London	26	
	Ottawa	30	
TOTAL			56
October	Kitchener	1	
	Thunder Bay	27	
	Fort Frances	10	
	Dryden	7	
	Cambridge	1	
	Sudbury	51	
	Timmins	11	
	Kapuskasing	10	
TOTAL			118
November	Sault Ste. Marie	12	
	Toronto (joint)	1	
	Montreal (joint)	1	
	Burlington	1	
	Kitchener	17	
	Windsor	5	
	Winnipeg	1	
TOTAL			38
December	Peterborough	1	
	Fort Frances	3	
	Dryden	1	
	Sudbury	2	
TOTAL			7

Totals:

686 applications were considered at
52 separate sittings outside Toronto

APPENDIX K

Summary of OHTB Review of Policy and Procedure

The progress of the review is summarized under the following headings:

- special responsibilities
- communication with the public, policy development
- administration
- procedures

Special Responsibilities:

Subject Matter

Action Taken

Review principles of conflict of interest

Completed. Research and discussion of rules and principles covering members and staff.

Review implications of SPPA and
and S18 OHTBA

Legal interpretations of law and policy on these matters have been provided for internal reference.

Communication with the public, policy development:

Subject Matter

Action Taken

Establish consultative mechanisms

- greater participation in committees
- special hearings/meetings to promote broader public input
- utilize Thursday scheduling meetings for broader form of input
- establish annual public seminars

The Board regularly participates in the work of committees such as PV Review, CCMTA and MTC generated committees

Special hearings on Class “R” and Class “W” and Section 8 policies are examples

The Board is prepared to hear comments on its processes at any Thursday meeting

Now in planning stage

Establish other forms of communication

- expand use of gazette for Board notices, etc.
- regularize contact with trade magazines
- greater use of bulletin boards
- public information on Board in waiting areas

Policy statements, notices of special meetings, etc. are now routinely gazetted

Such publications are on the Board’s mailing list

Informational material is posted as a matter of course. Telegrams are also now posted

Binders of Board information on law, process and procedure are in all waiting areas

contd.

<u>Subject Matter</u>	<u>Action Taken</u>
Maximize use of speaking engagements to discuss Board procedure	Continuing Program. The Board also holds familiarization sessions for MTC trainees, students of community colleges, etc. on a regular basis
Establish form and procedure for issuing policy statements.	Policy statements have been issued on several topics. Proposals on major matters would, as a rule, precede the determination of a final policy
Expand use of press releases and local paper advertisements	Class "R" hearings and report; Class "W" hearings and miscellaneous PV rates are examples
Publish general information pamphlet	Done. Widely distributed (an introduction to the Ontario Highway Transport Board)
Publish additional pamphlets on <ul style="list-style-type: none">— Class "H"— Class "R"— transfers	Drafted Drafted Drafted
Publish paper on wording applications	Drafted
Improve index to reasons	Partially complete. Format of Index established and has been reviewed with interested members of the Bar and MTC amongst others
Publish reasons	Alternatives now under active consideration
Establish general mailing list	Done
Expand detail of annual report	Continuing.

Administration:

<u>Subject Matter</u>	<u>Action Taken</u>
Review all job specifications	Done
Establish regular members seminars/ meetings	Weekly meetings being held. Semi-annual seminars review major matters of procedure and policy
Establish regular staff meetings	Done. Weekly meetings are now held

Contd.

<u>Subject Matter</u>	<u>Action Taken</u>
Reorganize staff positions	Managing Director, Office of Proceedings and Program Adviser positions were created in addition to the total reorganization of clerical and typing services
Redesign office layout	Phase 1 complete. Better access for public and improved accommodations for staff
Implement training and development program	Done
Establish a direct deposit system to decrease clerical through put time	Pending
Establish Subject File series for internal/public reference	In process
Revise mail opening procedures	Done
Complete memo of understanding with Ministry	Done. This outlines relative roles and responsibilities in administrative and policy matters
Improve statistics generation	Completed. Further improvements will flow from automation
Review taping process	Additional equipment obtained; PA systems improved
Review transcript acquisition process and improve quality control	In process

Procedures

<u>Subject Matter</u>	<u>Action Taken</u>
Decrease number of hearings	Effectuated by expanded use of section 8
Required improved scheduling efficiency	Effectuated by expanded use of section 8 and internal procedural adjustments
Review approach to costs	In process

Contd.

<u>Subject Matter</u>	<u>Action Taken</u>
Review fee structures	Pending
Tape all hearings	Implemented
Make duplicate tapes available to public	Done
Admissibility of copies	Policy statement issued
Reinstatements of operating licences	Policy statement issued
Publications dealing with types of evidence required	Pamphlets drafted on evidence in Class "H" and "R" hearings and in transfer applications
Expand capability to advise applicants on wording of applications	Done. (organizational changes plus paper on wording)
Revise hearing notices where required	Consistent with Statutory Powers Procedures Act.
Revise covering letters to provide fuller explanations of Board action	Done. (eg. letters covering denials now advise applicant on how to obtain reasons where required)
Improve flow of MTC and government management directives to OHTB	Done
Document Paper Flows	Done
Adjust Work Flows	In Process
Install Word Processing	Done
Consider Computerization	In Process
Install Telex	In Process
Establish contact with other regulatory agencies	Partially accomplished contacts to date are still adhoc
Revise PV Tariff approvals process	Adjustments to internal procedures have expedited the process
Discontinue 2 year expiry life of PCV Tariffs	Regulation 700 PCV Act amended

Cont'd.

<u>Subject Matter</u>	<u>Action Taken</u>
Improve Budget Control, rationalize purchasing systems	Continuing
Reevaluate role in Class "H" complaints	Accomplished
Establish Tape Retention schedule	Under study
Clarify Board Decision making and signing authorities	Bill 88
Decrease red tape for applicants and respondents filing requirements	Regulation 632 OHTBA amended
Expand use of pre-hearing conferences	Ongoing.
Establish Policy on Adjournments	Partially complete (a policy statement on applicant requests has been issued, and policy with respect to respondent requests is being considered)
Evaluate role for Board counsel	2 new staff positions and greater use of special counsel and staff of Attorney-General
Expand use of a more informal hearing room	Board's library is used in Toronto and more informal settings are common at out-of-town hearings
Review Policy on Distribution of Reports to the Minister	Under study with MTC
Review Board role in Vehicle Lease Approvals	Under study with MTC
Prepare proposals for appeals/rehearings	Under study
Revise Board role in Reviews, Section 17	Done
Establish guidelines for roles and responsibilities in Airport matters	Memo of Agreement signed with Toronto International Airport
Review format of all certificates/orders/reports	Partially complete. Further changes pending
Review form and procedures for considering telegrams, temporaries and interims	Partially complete. PCVA amended. Further proposal now drafted for discussion

Contd.

<u>Subject Matter</u>	<u>Action Taken</u>
Revise/update Tariff Circulars	Done
Revise Application Forms	In Progress
Revise procedures for acting on complementary authorities	Policy statement drafted
Refine process for winter sanding and salting applications	In process
Policy on Dormancy in R's	In Class "R" Report
Review Transfer sections	Under study with MTC
Retention and Availability of Exhibits	Under study
PV Interchange procedures	Under study in PV Review Committee
Revise PV licence form	With MTC

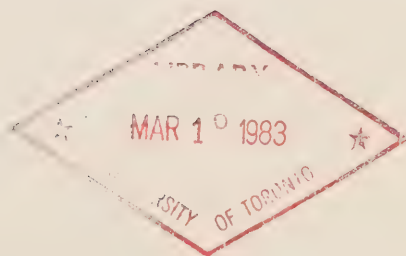
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Ontario Highway Transport Board

ANNUAL REPORT

1980



ANNUAL REPORT
OF
THE ONTARIO HIGHWAY TRANSPORT BOARD
FOR THE YEAR ENDING DECEMBER 31, 1980

ANNUAL REPORT
OF
THE ONTARIO HIGHWAY TRANSPORT BOARD
FOR THE YEAR ENDING DECEMBER 31, 1980

The Ontario Highway Transport Board, pursuant to Section 28 of The Ontario Highway Transport Board Act, R.S.O. 1970, Chapter 16, begs leave to submit its twenty-fifth Annual Report upon its affairs to the Honourable the Minister of Transportation and Communications for the calendar year 1980.

Organization of the Board.

The Board is constituted as follows:

B.B. Alexander, Q.C.	Chairman
G.C. Marrs	Vice-Chairman
G.J. Norton	Vice-Chairman
J.A. Wardrop	Member
A.A. Landry	Member
J.M. Duncan	Member
R.D. Sloan	Member
E.J. Canning	Member
C.F. Bark	Member
M.H. Shecter	Member

To: The Honourable John Black Aird
O.C., Q.C., B.A., LL.D.
Lieutenant-Governor of the Province of Ontario

MAY IT PLEASE YOUR HONOUR:

The undersigned takes pleasure in submitting the
Annual Report for the Ontario Highway Transport
Board for the calendar year ending December 31,
1980.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "James Snow", with a stylized, sweeping flourish extending to the right.

James Snow

Minister

To:

The Honourable James Snow
Minister of Transportation and
Communications

Sir:

I have the honour to present the report of the activities
of The Ontario Highway Transport Board for the calendar
year ending on December 31, 1980.

Respectfully submitted,

A handwritten signature in dark ink, reading "Bruce B. Alexander". The signature is written in a cursive, flowing style with a large initial "B".

Bruce B. Alexander, Q.C.
Chairman

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1980 Annual Report of the Board

MEMBERSHIP

It is with a great sense of sadness that we report the deaths of two former members of the Board.

Mr. Ralph Rothwell, 59 of Mississauga, a member of the Board for five years died on October 14, 1980. Mr. Rothwell's sudden passing removed from the Board an experienced and wise counsellor.

Mr. George W. Stoddart, 65 of Toronto, died on March 10, 1981 while vacationing in Montserrat in the West Indies. A member of the Board for 23 years Mr. Stoddart had retired on April 1, 1980. His record of distinguished service to the Board and his community was widely recognized and appreciated.

The passing of these gentlemen is mourned by their many friends and colleagues.

New Members

E.J. Canning — Appointed March 1, 1980

A former fuel oil executive, Mr. Canning has long been active in community affairs. He has served as Chairman of the Metro Toronto Library Board, Vice-Chairman of the Scarborough Public Library Board, Vice-Chairman of the Scarborough Centenary Hospital, he is a charter member of the Scarborough Mental Health Clinic and Past-President of the Scarborough Cancer Society. Mr. Canning is also an Honorary life member of the Oil Heating Association of Metropolitan Toronto.

C.F. Bark — Appointed September 1, 1980

A former insurance industry executive, Mr. Bark has been a member of the Toronto Junior Board of Trade since 1953 and has served on the executive committee of the Canadian Council for Unity.

M.H. Shecter — Appointed January 12, 1981

A prominent Toronto businessman, Mr. Shecter has been a member of the Board of the Ontario Furniture Manufacturers Association. In 1979 he was appointed to the Canadian Consultative Council on Multi-Culturalism. He is also a member of the National Executive of the Canadian Council of Christians and Jews and has been recognized for his efforts in this area.

These recent appointments bring the Board to its full strength of ten members. Seven of these have been appointed in the last three years.

The membership of the Board brings together a variety of skills and work experience. A situation which ensures that the Board continues to be responsive to the changes taking place in the transportation industry and has the expertise to recognize and understand the trends and forces in the marketplace which effect the industry and those it serves.

MANAGEMENT PROCESS

Staffing: The appointment of Mr. A. Stewart Kell as Managing Director of the Board and of Miss Margaret B. Shaw as Secretary to Vice-Chairman G.J. Norton brought the Board staff to full complement. Mr. Kell, formerly Manager, Project Development Office, Transportation Regulation Division of the Ministry of Transportation and Communications, brings with him 25 years of transportation experience.

Board staff promoted to fill out the Office of Proceedings were:

Mr. Felix D'Mello — Case Review and Information Officer
Mrs. Nadia Kalfayan — Case Review Clerk
Mr. Abdul Majid Malik — Supervisor of Court Clerks

Office of Proceedings: This office is now fully staffed and able to provide counsel to applicants and assistance with wording of applications prior to filing.

Office Accommodation: The redesign of the Board's offices has been finalized and the renovation work is expected to be completed during the summer of 1981. The new office lay-out provides for all staff functions and members offices to be located on one floor and features a central public information counter.

Telex: To provide improved service to Board clients a Telex unit has been installed on the premises. The Board call number is 06-22208.

Word Processing: The installation of a word processing system has enabled the Board to reduce the time required to produce the text of Certificates, Reasons for Decisions, etc. Additional benefits to be gained from the system will include month end statistical reports, a 12-hour status file and electronic data storage and retrieval.

Data Processing: The Board and the Ministry of Transportation and Communications co-operated in the development of a computer program which provides quick access to public vehicle and public commercial vehicle licence status and text information. Further Board involvement is indicated in the development of a fully automated public commercial vehicle and public vehicle licence system by the Ministry.

Internal Controls: The Board has implemented internal control procedures to ensure that applications are processed and dealt with in an expeditious manner. Applications for temporary or interim authorities are listed weekly and the list is updated daily on the basis of certificates mailed. If the application has not cleared the Board within 14 days the matter is pursued and an explanation inserted on the listing.

PUBLIC INFORMATION PROGRAM

As part of its public information program the Board has developed and published booklets which give the public general information on the Board and its function and specific information as to the application requirements for particular classes of licence.

The booklets, are:

"An Introduction to the Ontario Highway Transport Board"
"How to Apply for a Class 'H' P.C.V. Licence"
"How to Apply for a Class 'R' P.C.V. Licence"

Copies of these booklets may be obtained free of charge at the Board offices, 151 Bloor Street West, Toronto, Ontario M5S 2T5, or by writing or calling the Office of Proceedings, Telephone: 416-965-1845.

POLICY DEVELOPMENT AND HEARINGS PROCEDURE

Court Decisions

In its Annual Report for 1979 the Board had reference to the Supreme Court of Ontario's decision in *Parent Cartage* and the impact of that decision on the Board's review powers. The thrust of that decision was that Section 17 of The OHTB Act could not be invoked to initiate a disciplinary review of an operating licence as such reviews came under the appropriate sections of The PCV Act. In general terms the Board can still review its decisions where the correctness of such decisions is in doubt or for the purpose of giving true effect to what was intended and within these parameters the Parent decision has been interpreted further in matters involving **Steinman Transportation Limited** and **Dial Transport Limited/Eagle Transport (Ontario) Limited**. In the first named the Supreme Court of Ontario held the Board to be within its jurisdiction in ordering a rehearing on the grounds that all the facts were not before the panel making the original decision. In the second case a matter involving an interpretation of an operating licence, the Court held that while an interpretation was involved the net effect of such would be disciplinary hence the Board was beyond its jurisdiction in seeking to review its certificate.

General

Throughout the year members of the Board have participated in working groups within the ambit of the Canadian Conference of Motor Transport Administrators (CCMTA). Of particular interest has been the working group made up of representatives of each Province and chaired by a member of Transport Canada which has reviewed the Motor Vehicle Transport Act Canada (MVTA).

The result of this review has been the formulation of suggested amendments to the MVTA addressing among other things, the joint hearing process, out of jurisdiction service of summonses, and adding regulation making powers that will permit the province and the federal government to formulate procedures; procedures that should assist the hearing process relative to extra-provincial applications. The suggested amendments will be presented to Ministers of all jurisdictions and given their approval will form the basis for legislative amendments to the MVT Act.

Public Hearings

Class 'R' Hearings (dump vehicles). In 1980 the Board held a series of public hearings to obtain information and data with respect to the supply and demand for Class 'R' vehicles. Hearings for this purpose were held throughout the province according to the following schedule:

February 4	—	Kitchener
February 11	—	London
February 14	—	Windsor
February 18	—	Peterborough
February 20	—	Kingston
February 25	—	Ottawa
March 3	—	Sudbury
March 5	—	Sault Ste. Marie

March 10	—	Timmins
March 13	—	Kapuskasing
March 17	—	Thunder Bay
March 21	—	Dryden
March 24	—	St. Catharines
March 25	—	Toronto

Evidence was presented to the Board by individuals, associations, shipper groups and municipal and provincial government officials. Following the hearings the Board issued a report which described demand and supply in each of the five licence regions of the province. The report noted the action that had or would be taken to ensure that the supply of vehicles was consistent with the demand. The conclusion the report reached was that additional Class 'R' vehicles would be required in the northern regions (Regions 5 and 6) but that the existing supply of vehicles in Regions 2, 3 and 4 was generally adequate for the demand.

A copy of the Board report is appended hereto as Appendix 'E'.

Class 'W' Hearings (wood products). Following the implementation of the Class 'W' licence under the Public Commercial Vehicles Act, the Board held a series of public hearings in northern Ontario and at Toronto, as follows:

May 21	—	Thunder Bay
May 23	—	Kenora
May 26 - 28	—	North Bay
June 2 & 3	—	Pembroke
June 9 - 13	—	Sudbury
June 16 & 17	—	Timmins
June 18 & 19	—	Kapuskasing
October 10	—	Toronto

At these hearings general evidence was presented with respect to the supply and demand for transportation in the lumber products industry and individual applications were heard. Decisions were subsequently rendered with respect to these applications. The Ministry is awaiting the results of a pending reference to the Supreme Court with respect to certain aspects of the Class 'W' licences before issuing further licences.

Probationary Licence Hearings. Legislation implementing the probationary licence under The P.C.V. Act was enacted on June 22, 1979, Bill 89 and followed the recommendations of the Report of the Select Committee on the Highway Transportation of Goods.

Hearings commenced on December 11th. After hearing the first group of applications the Board recessed with the intention of issuing policy guidelines before proceeding with the balance of the applications. It is expected that these guidelines will assist in the expeditious hearing of those remaining. Altogether 100 applications have been received on behalf of 66 applicants.

Public Meetings

The Board continues to utilize public meetings as a vehicle for increasing its knowledge of the transportation industry and as a forum for public input to Board policies and procedures. During the past year public meetings have been held in connection with,

- (a) Class 'R' dump truck hearings — as listed.
- (b) Complementary authority policy — October 2, 1980.
- (c) Section 8 or "In Chambers" decisions policy — June 6, 1980.
- (d) Class 'W' (wood products) hearings — as listed.
- (e) Probationary applications — October 30, 1980.

Section 8 Proceedings — OHTB Act — In the interest of reducing the burden on the public of the time and cost of formal public hearings the Board has expanded the classes of applications that it will deal with under Section 8, Regulation 632, The Ontario Highway Transport Board Act. The reaction of the public and the legal profession to these proposals has been positive.

Adoption of the Section 8 procedures enabled the Board to substantially increase the number of applications dealt with in chambers and thereby reduce the time and cost to shippers and carriers alike of appearances before the Board. With certain limited exceptions almost all unopposed applications now are disposed of without a public hearing.

Complementary Authorities — The Board requires a carrier wishing to provide an extra-provincial service to first obtain authority from its home jurisdiction, where the home jurisdiction is involved in the service. Where the Board issues a certificate for an extra-provincial service to a carrier that has Ontario as the home jurisdiction it issues a certificate containing the requirement that complementary authorities from the other jurisdictions involved in the service be obtained and filed within a specified period of time, usually three (3) years. The licence file is reviewed by the Board approximately three (3) months prior to the expiration of the allotted time and the licensee is advised that unless the filing is completed or an extension of time applied for the certificate or relevant portion thereof will be revoked. Public discussion of a proposed policy statement on this matter took place on October 2, 1980 and the Board was advised of the problems experienced by carriers in meeting current requirements and those that would be imposed by the draft policy. The Board will issue a definitive statement of policy on this matter in the new year.

TRANSPORTATION POLICY

P.V. Act Review Committee

The Board has participated in the work of the P.V. Review Committee which was constituted in 1978 to deal with a number of outstanding issues effecting the bus industry. The specific terms of reference of the Committee were:

1. To review and recommend changes in The Public Vehicles Act and its Regulations, and other such matters as may be appropriate with respect to the industry by The Public Vehicles Act and its Regulations.
2. To act as a fact finding and consensus finding advisory body (as opposed to a Committee for the resolution of differences in opinion by vote).
3. To be open to, and to seek representation from all interested parties.
4. To adopt as its first priority a review and consensus resolution of policies respecting charter trip authority and licencing.

Foremost among the issues reviewed by the Committee was that with respect to charter trip authority. This issue was raised as a result of the decision of the Ontario Supreme Court in the decision of Penetang Midland Coach Lines Limited (June 6, 1977). A new charter authority proposal has been prepared by the Committee and is expected to be put into effect sometime in the new year.

As part of its work with the Committee, the Board has developed a new approach to the provision of temporary operating authorities. In particular, a new format has been developed for the authorization of vehicle interchange between licensed carriers at times of emergency or peak loads.

BOARD POLICIES AND PROCEDURES

Policy Statements

From 1978 to December 31, 1980

Continuing its practice of publishing formulated policy, the Board issued policy statements in connection with applications for Class 'R' operating licences, procedures in respect to distribution of notices of decision, and a draft statement with respect to filing of complementary authorities.

The list of formal policy statements issued to date by the Board is, as follows:

No. 001/78-9-29 (cancelled and superseded by policy statement No. 004/79-8-2) Effective date:	Renewal of licences under The Public Commercial Vehicles Act. September 29, 1978
No. 002/79-2-1 Effective date:	Adjournment of hearing. February 1, 1979
No. 003/79-5-14 Effective date:	Admissibility as evidence of photocopies and micro- film prints. May 14, 1979
No. 004/79-8-2 Effective date:	Renewal of a public commercial or public vehicle operating licence.
No. 005/79-9-7 Effective date:	Recording of hearing proceedings. September 7, 1979
No. 006/79-9-7 Effective date:	Transfers and temporaries. September 7, 1979
No. 007/79-9-7 Effective date:	Cancellation of interim licence on adjournment of hearing. September 7, 1979

No. 008/79-11-19	Expanded use of Section 8 proceedings.
Effective date: (amended by policy statement No. 008/79-11-19)	Immediate
No. 009/80-1-14	Hearing procedures for applications for Class 'R' operating licence.
Effective date:	Immediate
No. 010/80-9-4	Complementary authorities.
Effective date:	Draft for discussion purposes — no implementation date.
No. 011/80-9-30	Distribution of notices of decision.
Effective date:	Immediate
No. 012/81-1-1	Amendment to policy statement No. 008/79-11-19 Expanded use of Section 8 proceedings.
Effective date:	January 1, 1981

Policy statements published by the Board to December 31, 1980 are appended to this report. (Appendices B-1 – B-10.)

REVIEW OF BOARD POLICY AND PROCEDURE

The review of Board Policy and Procedure undertaken by the Board in response to the recommendations of the Select Committee on the Highway Transportation of Goods and the Standing Committee on Resources Development has been completed and the objectives of the review have been accomplished. The Board is continuing with a process of operational and management reform.

The progress of the review of Board policy and procedure has been summarized under the following headings:

- Communication with the public, policy development.
- Administration
- Procedures

1. Communication with the public, policy development

Recommendation	Action Taken
- publish paper on wording of applications	- draft paper being edited. Publication expected summer 1981.
- improve index to reasons	- index system in place and being maintained on a regular basis.

- publish reasons for decision
- Arrangements made through the Canadian Conference of Motor Transport Administrators (C.C.M.T.A.) to have decisions published by the Canadian Law Information Council, on a monthly basis, in a publication entitled 'The Regulatory Reporter'.

2. Administration

Recommendation	Action Taken
- review transcript acquisition process and improve quality control	- discontinued service of arranging for preparation and sale of transcripts. Transcripts are prepared by the Board for Board purposes. Quality of transcripts improved by staff editing and utilizing word processing equipment. Tapes of hearings prepared and sold to interested parties upon request.

3. Procedures

Recommendation	Action Taken
- review fee structure	- revisions to the licence fee structure are the responsibility of the Treasurer of Ontario, acting in conjunction with the Minister of Transportation and Communications.
- establish tape retention schedule	- retention of record of hearings proceedings via tape cassette is efficient and inexpensive. Current policy is to retain for 25 years.
- review policy on distribution of reports to the Minister	- administrative policy in place.
- review Board role in vehicle lease approvals.	- under study.
- prepare proposals for appeals/rehearings	- under consideration.
- review format of certificates, orders, reports	- present format is being influenced by use of word processing equipment. Study is ongoing.
- review form and procedures for considering special, temporary and interim authorities	- proposals under review.

- revise application forms
- refine process for winter sanding and salting applications
- policy on dormancy in Class 'R' licences
- review sections of P.V. and P.C.V. Act dealing with transfers
- retention and availability of exhibits
- P.V. interchange procedures
- revise P.V. licence forms
- application forms for P.C.V. licences have been updated, revision of P.V. application form is in process.
- arrangements have been made with MTC for specific procedures to be followed when supporting applications before the Board.
- under study.
- proposals under review,
- administrative policy in place,
- policy established.
- under review by MTC.

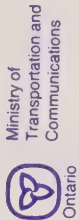
SUMMARY OF BOARD STATISTICS

1.	Board revenues for 1980	=	\$262,159.
2.	Applications for permanent licences processed by the Board	=	2,019.
	1423 P.C.V. Applications	=	70.3%
	167 P.V. Applications	=	8.2%
	429 MVTA Applications	=	21.3%
	Decisions after public hearing	=	1,570
	Decisions without public hearing	=	449
3.	Matters heard or dealt with by the Board consisted of:		
	- applications for a permanent licence	=	2,019
	- application for a temporary or interim licence	=	1,020
	- applications for transfer of shares approval	=	63
	- applications for transfer of operating licence	=	450
	- applications for PV tariff approval	=	345
	- reasons for decision issued	=	215
	- applications for vehicle lease approval	=	448

Detailed statistical analysis of the Board's activities during 1980 are set out in Appendices 'D-1' to 'D-6'.

CHART No.
06-0010
TO CHART No.
06-0001

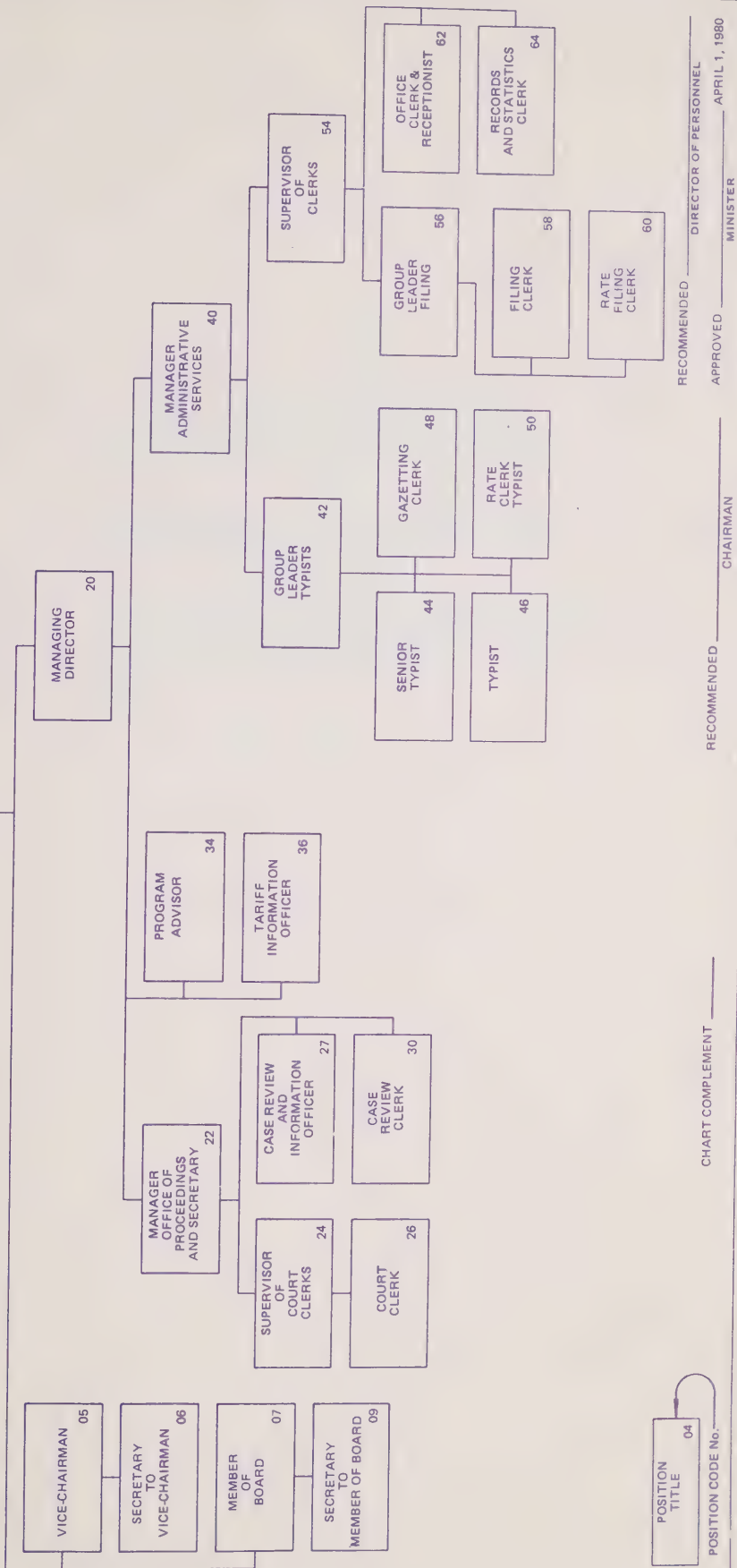
POSITION:
MINISTER



ONTARIO HIGHWAY TRANSPORT BOARD

TRANSACTION		DATE
LETTER	LEGEND	

LEGEND
1 NEW POSITION
2 POSITION ABOLISHED
3 TO/FROM OTHER CHART
4 POSITION TITLE CHANGE
5 POSITION NUMBER CHANGE
6 CHANGED REPORTING RELATIONSHIP
7 MISCELLANEOUS - SEE NOTE
8 REVISED CHART



RECOMMENDED _____ CHAIRMAN
APPROVED _____ MINISTER

CHART COMPLEMENT _____

DIRECTOR OF PERSONNEL
APRIL 1, 1980

POSITION TITLE
04
POSITION CODE No.

APPENDIX 'B-1'
POLICY STATEMENT

TITLE: Adjournment of Hearing

NUMBER: 002/79-2-1

**EFFECTIVE
DATE:** February 1st, 1979

OBJECTIVE: To clarify Board procedural requirements. The Board will not consider any requests for adjournment unless filed three clear business days prior to the date of the hearing except in unavoidable circumstances.

Upon the granting of an adjournment the applicant will be required, as in the past, to immediately advise all respondents.

APPENDIX 'B-2'

POLICY STATEMENT

TITLE: Admissibility as Evidence of Photocopies and Microfilm Prints

NUMBER: 003/79-5-14

**EFFECTIVE
DATE:** May 14th, 1979

OBJECTIVE: To formulate policy with respect to evidentiary matters.

The Board recognizes that, insofar as business records are concerned, there is increasing use being made of photocopies and microfilm of such records.

To date, the Board insisted on original documents being filed at hearings for evidentiary purposes but will now accept photocopies and microfilm prints of business records in lieu of the originals.

However, the Board must be satisfied as to their authenticity in accordance with Section 15(4) of **The Statutory Powers Procedure Act** of Ontario and will continue to require that parties prove to its satisfaction that copies are, in fact, true copies of the originals.

APPENDIX 'B-3'
POLICY STATEMENT

TITLE: Renewal of a Public Commercial, or Public Vehicle Operating Licence

NUMBER: 004/79-8-2

EFFECTIVE DATE: Immediate

OBJECTIVE: To clarify procedures with respect to renewals of operating licences that have expired as a result of a failure to renew vehicle licences.

COMMENT: **The Public Commercial Vehicles Act, Ontario, Section 9, subsections 1 and 2 provides:**

- “(1) An operating licence expires on the 1st day of July in each year or on the expiry of the vehicle licences for the vehicles operating pursuant to the operating licence unless before such date or such expiry, as the case may be, the holder of the operating licence has applied for and acquired vehicle licences for such vehicles for the period immediately following such date or such expiry, as the case may be.
- (2) Where the holder of an operating licence has acquired vehicle licences in accordance with subsection 1, his operating licence is deemed to be renewed for the period which the vehicle licences are issued. 1971, c. 50, s. 71 (5) part.”

The Public Vehicles Act, Ontario, Section 6 subsections 1 and 2 contain similar provisions.

A person holding an operating licence which has expired pursuant to those provisions may apply for a new licence, subject to the determination of public necessity and convenience by the Board, by making application(s) for an operating licence in the same or similar terms as those in the former licence.

- STATEMENT:** 1. Where a person who has failed to renew his operating licence,
- applies for interim and permanent authorities on or before the 30th day of September, and
 - supports the application for renewal by an affidavit stating:
 - (a) that the licence was valid and operated on a continuous basis during the previous vehicle licensing year, and
 - (b) the reason for the failure to purchase the necessary vehicle licences as required,

the Board may issue an interim authority in the same or similar terms as the previous operating licence, and publish the application under Section 8 of Regulation 632 pursuant to **The Ontario Highway Transport Board Act of Ontario.**

If the application is opposed, the matter will be set down for a public hearing. The applicant would be expected to attend and to support his application with public witnesses.

2. Where a person has failed to renew his operating licence:

- applies for interim and permanent authorities after September 30th but before January 1st, and
- supports the applications by filing the affidavits outlined in 1. above and an affidavit from a shipper or shippers to the effect that the applicant has provided service on a continuous basis in accordance with the terms of his operating licence during the previous licensing year,

the Board may issue an interim authority in the same or similar terms as the operating licence, and will set the permanent application down for a public hearing. The applicant will be expected to attend the hearing and support his application with public witnesses if the application is opposed.

3. Where a person fails to renew his operating licence:

- applies for renewal in any form on or after January 1st, the application(s) will be treated in the same manner as a new applicant and the Board will set the matter down for a public hearing.

APPENDIX 'B-4'
POLICY STATEMENT

TITLE: Recording of Hearing Proceedings

NUMBER: 005/79-9-7

EFFECTIVE DATE: September 7th, 1979

OBJECTIVE: To outline existing Board policy with respect to recordings and transcripts.

- (i) For some time, only hearings taking place in Toronto have been recorded. The Board has recently adopted the policy of recording all proceedings.
- (ii) Original tape recordings have been available for listening at the Board's offices. This practice will be discontinued in future but duplicates of tapes recorded during any proceeding will be available to the public at a cost of \$10.00 per tape. This fee is designed to recover the Board's cost of preparing a duplicate.
- (iii) Typed transcripts from the tape records of all proceedings are also available to any person upon request and payment of \$1.75 per page.

Any person interested in obtaining transcripts or duplicate tapes are asked to request same from Mr. D.S. Church, Secretary of the Board.

The Board feels that these services are in the interest of the public generally and will benefit the administration of transportation regulation.

Any comments in writing on these procedures will be welcomed as the Board intends to review them to ensure they are consistent with the needs of the public.

Note: The Board has discontinued its practice of arranging for the preparation and sale of transcripts, but continues the practice of selling tapes.

APPENDIX 'B-5'
POLICY STATEMENT

TITLE: Transfers and Temporaries

NUMBER: 006/79-9-7

**EFFECTIVE
DATE:** September 7th, 1979

OBJECTIVE: To clarify Board procedures. In the matter of applications for approval of transfers of operating licences, including transfers deemed to occur upon the issue or transfer of shares in a corporation which is the holder of an operating licence, the Board will not issue except in unusual circumstances a temporary authority to a transferee to permit the operation of the business prior to the approval of the transfer.

APPENDIX 'B-6'
POLICY STATEMENT

TITLE: Cancellation of Interim Licence on Adjournment of Hearing

NUMBER: 007/79-9-7

**EFFECTIVE
DATE:** September 7th, 1979

OBJECTIVE: To clarify Board policy and procedure. In the case of an unopposed application, the first adjournment of the hearing granted at the request of the Applicant will not result in the cancellation of an existing interim operating licence. However, an interim operating licence will be cancelled in most cases upon the granting of a subsequent adjournment of the hearing at the request of the Applicant.

In the case of an opposed application, a request by an Applicant for adjournment of the hearing and a continuation of the interim operating licence throughout the period of the adjournment must be made in writing and upon notice to all other parties. Such a request will be heard on a date to be determined by the Board and the cancellation of the interim operating licence will be considered at that time.

APPENDIX 'B-7'
POLICY STATEMENT

- TITLE:** Expanded use of Section 8 Proceedings
- NUMBER:** 008/79-11-19
- EFFECTIVE DATE:** Immediate (amended by Policy Statement 012/81-1-1)
- OBJECTIVE:** To reduce the number of hearings required in unopposed applications and to improve the scheduling process.
- COMMENT:** The Board advertised a proposal in the Ontario Gazette June 2, 1979 outlining its thinking on expanding the use of Section 8 of Regulation 632 under **The Ontario Highway Transport Board Act**. A public meeting was held June 4, 1979 to receive public comment on the proposal. Written submissions were requested by July 31, 1979. This policy statement is the result of this process.
- "Section 8" provides that if a notice is placed in the Ontario Gazette and no opposition to that application is received within fifteen (15) days of the date it is published, the Board may dispose of the matter summarily.
- The Board has for many years advertised particular types of applications under Section 8, and disposed of these in Chambers.
- The procedure has generally been utilized in situations where it appeared to the Board that a need was apparent and the application would not generate opposition and where there was no apparent reason such as fitness of the applicant, to hold a public hearing. Examples of matters which are normally disposed of under Section 8 are:
- P.V. (School Bus) applications.
 - Some applications for reinstatement of operating licences up to September 30th, in the year of expiry.
 - In transit moves.
 - Class "E", change of producers for and on behalf of the Milk Marketing Board.
 - Transfers of shares or operating licences involving less than one million dollars.
 - Other miscellaneous matters of a normally "routine" nature.
- STATEMENT:** The Board will advertise all applications except for Class "R" P.C.V. operating authority under Section 8, but will extend the principle of dealing with matters in Chambers only to Class "D" applications at this time. (The Board will continue to deal with school bus applications, transfers, reinstatements, etc. in Chambers as outlined above.)

The following will apply to applications to be advertised on or after December 1st:

- Applicants may be requested to clarify the terms of their applications before publication.
- Applicants may also be required to file documentation with respect to the proposed application (e.g.'s, agreement of purchase and sale, school contracts, etc.).

- When the application is in acceptable form for publication and required documentation is filed, it will be advertised under Section 8 thereby giving public notice without setting a time and place for the hearing.
- To assist the Board in scheduling, applicants will be requested to inform the Board on the following:
 - length of time required to present applicant's case,
 - number of witnesses expected to be called,
 - suggested dates for the hearing.

This will be done in the case of an application requiring a public hearing, at the time of advertisement; and in the case of an application which might under this policy be disposed of in Chambers, upon receipt of opposition.

Matters Requiring a Hearing

A hearing will be scheduled upon notice to the parties without further advertisement. The regular scheduling meetings held each Thursday at 4:00 p.m. in Hearing Room No. 1 will continue.

Matters That May be Resolved in Chambers

To proceed with any matter in Chambers, the Board will require evidence in support of the application such as sworn affidavits from shippers attesting to the need and convenience of the service, an outline of why, in the applicant's view the service is necessary and convenient and/or general statement of intent by the applicant.

The following procedure will apply:

- In Class "D" applications the applicant may file such supporting evidence at the time of making the application or at the expiry of the 29 day period. If the latter course is taken, applicants are encouraged to prepare this material during the advertising period, to expedite final disposition.

For other matters disposed of in Chambers, such evidence is normally required by the Board prior to advertisement.

- If within a time specified such evidence is not forthcoming or the evidence presented is not sufficient, the Board will set the matter down for a public hearing, upon notice to the applicant.
- If there is no opposition and satisfactory evidence is filed, the Board would grant the application summarily and advise the applicant as a matter of course.

The Board intends to extend its use of in-Chambers decisions to other types of applications as experience is gained on the basis of this initial step.

The Board may utilize its power to assess costs to discourage frivolous applications or opposition.

It should be noted that Section 8 notice does not guarantee disposition without a hearing or a grant of the authority applied for.

APPENDIX 'B-8'

POLICY STATEMENT

TITLE: Hearing Procedures for Applications for Class "R"
Operating Licence

NUMBER: 009/80-1-14

**EFFECTIVE
DATE:** Immediate

OBJECTIVE: To establish hearing procedures which improve the type and quality of evidence and offer the fairest possible opportunity to applicants, witnesses and respondents to present their views regarding Class "R" markets and operations.

BACKGROUND: This statement stems from a report of the Board dated July 20, 1979 which followed a series of special hearings on many aspects of Class "R" policy and procedure.

Carriers find it virtually impossible to oppose Class "R" applications during their busy season, even though their evidence may be very relevant to each and every application. Board figures for 1978 indicate that only 83 of 957 Class "R" hearings (9%) were opposed. On the other hand, shippers find it burdensome to appear time after time supporting individual applicants. In addition, needs vary from year to year with shifts in construction programs.

The Board believes that supply and demand in the dump vehicle industry should be researched, debated and quantified as much as possible by all those with a direct interest in the industry. Given the cooperation of shippers, applicants, respondents, and interested groups or associations, it is felt that the hearing process outlined herein will overcome the problems noted above, allow improved debate of these issues thereby rationalizing the application of Class "R" regulatory law and facilitating the making of decisions which are as objective and informed as possible.

STATEMENT: **Application for Permanent Authority**

In future the Board intends to deal with Class "R" applications for permanent authority in the following manner:

1. Special hearings will be held at least once each year,
 - a) in southern Ontario in February: in Toronto, Kitchener, London, St. Catharines, Windsor, Peterborough, Kingston and Ottawa; and
 - b) in Northern Ontario in March: in Sault Ste. Marie, Sudbury, Timmins, Kapuskasing, Thunder Bay, Dryden and Fort Frances; and
 - c) other centres where there is significant market activity and interest in new licences and which may be suggested by the public from year to year.
2. a) All applications for new or expanded Class "R" authority received by the Board after October 1st each year and prior to February 1st, will be scheduled for such a hearing.

- b) applications received from February 1st through September 30th will continue to be set down for individual hearings as is done at the present time.
- 3. Applications will continue to be published and objections received in the normal way in accordance with the provisions of Regulations 632 under **The Ontario Highway Transport Board Act, Ontario.**
- 4. At the commencement of each of the special hearings, at each location noted above, the Board will encourage and hear:
 - a) **General evidence** with respect to supply and demand in the area either for or against further licensing in the area. The Board encourages associations, shipper groups or government agencies to present their views and any supporting factual information that can be generated.
 - b) **Statistical evidence** from any government or private body that would indicate a change in Class "R" trucking requirements. Prior to these hearings the MTC will have provided to the Board all available forecasts pertinent to Class "R" trucking requirement and may provide a representative at the hearing to review them.
 - c) **Specific evidence in support of each individual applicant.** Shippers if they choose may give general evidence with respect to need in the area and may support a number of applicants with one appearance. They would be required to identify the applicant(s) they support and state why the service is needed. Witnesses giving evidence in this form would be subject to cross-examination by any respondent affected.
 - d) Specific evidence from respondents as it applies to the application opposed. Each respondent would be required to testify once.
- 5. Following these annual hearings the Board will, on the basis of the evidence presented, issue a concise report outlining its perception of trends in demand for the upcoming construction season. This report will be made public and available to any person interested in Class "R" authorities.
- 6. Each application will continue to be determined on its own merits considering public necessity and convenience as established by the evidence.

Applications for Non-permanent Operating Authority (Temporary or Interim)

Notwithstanding the potential benefits of this process, shortages in specific areas of the Province will occur that cannot be predicted on an annual basis and which will require issuance of temporary or interim authority to provide a timely response. If shortages appear to be recurring, the Board will consider establishing a special hearing, similar in nature to the annual hearings outlined above, so that several applications for temporary or interim authority can be heard at once and the true nature and extent of the shortage determined. All other factors being equal, preference would be given to applicants who have filed applications for permanent authority.

APPENDIX 'B-9'
POLICY STATEMENT

TITLE: Amendment to Policy Statement No. 008/79-11-19

NUMBER: 012/81-1-1

EFFECTIVE DATE: January 1st, 1981

OBJECTIVE: To improve the Board's scheduling process and to reduce the number of public hearings.

This is an amendment to and should be read in conjunction with the Policy Statement issued on November 19, 1979 with respect to Section 8 of Regulation 632 under **The Ontario Highway Transport Board Act**. The said Section 8 reads as follows:

- "8. - (1) The Board may, in its discretion, publish notice of an application or reference in The Ontario Gazette without fixing a day for a hearing.
- (2) If no objection is served and filed in the manner prescribed by Section 5 within twenty-nine days of the publication, the Board may dispose of the application or reference summarily.
- (3) If an objection is served and filed within twenty-nine days of the publication, the Board shall fix a date for the hearing with notice to all parties, and the procedure is thenceforth the same as for a proceeding to which this section does not apply."

To improve the Board's scheduling process and to reduce the number of public hearings.

Section 8 of Regulation 632 under **The Ontario Highway Transport Board Act** provides, among other things, that the Board may dispose of an application without a public hearing where notice of the application has been published in The Ontario Gazette without fixing a date for hearing and no objection to the application is served and filed within 29 days of the publication.

The current policy of the Board is to publish notice pursuant to Section 8 for all applications, with the exception of Class "R" and "W" applications. When no objection is filed, the following may be disposed of without a public hearing provided that they are supported by appropriate documentation:

- (a) Public Vehicle school bus;
- (b) applications for reinstatement of operating licences received on or before September 30th in the year of expiry and where accompanied by an interim application supported with the appropriate affidavits;
- (c) applications for corridor authority through the Province of Ontario when accompanied by permanent complementary authorities from the jurisdictions of origin and destination;
- (d) Class "E" applications involving a change of milk producers for and on behalf of the Milk Marketing Board or cream products for and on behalf of the Ontario Cream Marketing Board;

- (e) applications for transfer of shares or operating licences in most situations where the consideration for the sale is less than one (1) million dollars and there exists no other reason for the Board to review the transfer at a hearing;
- (f) Class "D" applications;
- (g) other miscellaneous matters of a normally routine nature.

In the Ontario Gazette of May 3, 1980 the Board advertised a special meeting to review the use of Section 8 advertising of applications. The meeting was held on June 6, 1980, and the following policy statement has taken into consideration the oral and written submissions put forward at that meeting.

Policy

The Board will continue to publish notice pursuant to Section 8 for all but Class "R" and "W" applications.

The Board will extend its practice of disposing of unopposed applications without a public hearing to include Class "E", "F", "FS" and "T" applications and extra-provincial applications for named shippers or named commodities.

The following procedure will apply to applications published pursuant to Section 8: (a) an applicant may be requested to clarify the terms of the application before publication in The Ontario Gazette;

- (b) an applicant may be required to file documentation with respect to the application (e.g. agreement of purchase and sale, school board contract, complementary authority, etc.) before publication in The Ontario Gazette;
- (c) when the application is in an acceptable form for publication and appropriate documentation has been filed, it will be published pursuant to Section 8;
- (d) to assist the Board in scheduling a hearing when necessary, an applicant will be requested to advise the Board of the following matters on a card provided at the time of publication:
 - (i) length of time required to present applicant's case;
 - (ii) number of witnesses expected to be called;
 - (iii) dates upon which an applicant or his counsel is unable to attend a hearing.
- (e) where an application is opposed within 29 days of publication, a hearing will be scheduled on notice to the parties without further advertisement. Scheduling can be spoken to at the scheduling meeting held each Thursday in Hearing Room No.1 at the Board offices, 151 Bloor Street West, 10th Floor, Toronto or by writing to the Secretary of the Board at the same address;
- (f) where an application is not opposed within 29 days of the publication and is in the category of applications eligible to be disposed of without a public hearing, a request will be mailed

to the applicant or his solicitor for affidavits in support of the application to be received on or before a certain date. If appropriate documentation is not received within the specified time, the matter will be set down for a public hearing on notice to the applicant.

Applicants anticipating no opposition to their applications are encouraged to prepare affidavits in support during the 29 day advertising period to enable prompt filing of this material with the Board and an expeditious final disposition.

In addition to those unopposed applications in categories eligible to be disposed of without a public hearing, the Board will consider disposing of any other unopposed application under **The Public Vehicles Act**, **The Public Commercial Vehicles Act** or **The Motor Vehicle Transport Act** (Canada) without a public hearing where it is satisfied that a hearing is unnecessary to establish public necessity and convenience.

It should be noted that publication of an application pursuant to Section 8 does not guarantee disposition without a public hearing or a grant of the application.

APPENDIX 'B-10'
POLICY STATEMENT

TITLE: Distribution of Notices of Decision

NUMBER: 011/80-9-30

**EFFECTIVE
DATE:** Immediate

OBJECTIVE: To set out the Board's procedure and policy with respect to the dissemination of hearing results and notices of decision.

It is current Board policy to send, by first class mail to all parties to the proceedings at the most recent address on file with the Board, any decision of the Board after a hearing involving those parties and any reasons for that decision that may be provided.

Where a party is represented by counsel of record in any proceeding, the Board will send the notice of decision and reasons therefor to the solicitor. The applicant will always be sent a copy directly, in addition to any copy sent to his solicitor.

On the request of one of the parties, their copy of the decision and reasons therefor may be picked up at the Board offices by a representative of either the party or his solicitor.

Provided at a fee to cover the Board's costs are the following:

- Copies of all decisions with respect to for-hire trucking — to the Ontario Trucking Association.
- Copies of all decisions with respect to buses — to the Ontario Motor Coach Association.
- Copies of all decisions with respect to School buses — to the Ontario School Bus Operators' Association.

The Board places copies of all telegram authorities issued on its bulletin board on the day of issue. They remain on the board until the expiration of the authority.

The current practice of the Board as enunciated above will continue in all respects.

It is felt that these procedures meet the requirements of The Statutory Powers Procedures Act and that they provide fair notice to the public.

APPENDIX 'C-1'

O.I.C. POLICY STATEMENT P.C.V.A. (GENERAL)

OC #: 2105/79

Certification Date: 18th, July, 1979

Gazette Date: 11th, August, 1979

(Pursuant to **The Public Commercial Vehicles Act**, R.S.O. 1970, c.375 and amendments thereto)

... The Honourable the Minister of Transportation and Communications recommends that the Ontario Highway Transport Board, in determining questions of public necessity and convenience, take into consideration the need for an efficient and viable transportation industry which, given the characteristics of the suppliers and the nature of the market to be served, will:

1. support Ontario's general economic productivity;
2. use capital, equipment and manpower resources efficiently;
3. promote the efficient use of energy and minimize empty movements;
4. be responsive to existing market demand and changes thereto in terms both of the level and type of service;
5. offer service at the lowest cost in the long run;
6. be characterized by effective competition both within the trucking industry and between the trucking industry and other modes;
7. be innovative in service levels, equipment design and utilization, administration and freight-handling procedures;
8. take advantage, where possible, of intra-modal and inter-modal co-ordination; and
9. be provided by an appropriate mixture of small, medium and large operators.

APPENDIX 'C-2'

O.I.C. POLICY STATEMENT P.C.V.A. (CARTAGE)

O.C. #: 2104/79

Certification Date: 18th, July, 1979

Gazette Date: 11th, August, 1979

(Pursuant to **The Public Commercial Vehicles Act**, R.S.O. 1970, c.375 and amendments thereto)

... The Honourable the Minister of Transportation and Communications therefore recommends that the following be taken into consideration by the Ontario Highway Transport Board when determining questions of public necessity and convenience in relation to determining whether to recommend the designation of a commercial cartage zone:

1. the extent to which a single local community of economic interest exists throughout the area under consideration for inclusion in the commercial cartage zone;
2. the extent of economic interaction among the businesses and industries located within the commercial cartage zone under consideration;
3. the patterns of existing and predicted demand for local and line-haul trucking services;
4. the present availability of both local and line-haul trucking services to shippers; and
5. the impact of the creation of a commercial cartage zone upon existing local and line-haul carriers.

APPENDIX 'C-3'

O.I.C. POLICY STATEMENT — P.C.V.A. (CLASS W)

O.C. #: 114/80

Certification Date: 23rd, January, 1980

Gazette Date: 16th, February, 1980

(Pursuant to **The Public Commercial Vehicles Act**, R.S.O. 1970, c.375 and amendments thereto)

. . . The Honourable the Minister of Transportation and Communications therefore recommends that, in addition to the considerations set out in Order-in-Council numbered OC-2105/79, the following matters be taken into consideration by the Ontario Highway Transport Board when determining questions of public necessity and convenience in relation to applications for Class 'W' public commercial vehicle operating licences for the transportation of logs, timber, rough or dressed lumber, laminated lumber, laminated wood blocks, wooden ties and poles, plywood, particle board, waferboard, fibrewood, veneer, bark, wood-chips, shavings, sawdust and wood flour.

1. The needs of shippers supporting the application and the ability of the applicant to provide a safe and efficient transportation service shall be given primary consideration..
2. Evidence of a licensed carrier opposing an application shall be given weight relative to the extent to which such carrier currently transports Class 'W' commodities from the region in respect of which the application is made and the extent to which his transportation service to the public would be adversely affected by the granting of the licence to the applicant.
3. Where the applicant is a licensed carrier, evidence that a Class 'W' licence would result in better utilization of the applicant's equipment moving from the regions for which the application is made shall be considered.
4. Evidence of public necessity and convenience in respect of one or more commodities shall be considered as support for the granting of the total list of commodities for which a Class 'W' licence may be issued.

APPENDIX 'C-4'

O.I.C. POLICY STATEMENT P.V.A. (GENERAL)

O.C. #: 3005/78

Certification Date: 18th, October, 1978

Gazette Date: 11th, November, 1978

(Pursuant to **The Public Vehicles Act**, R.S.O. 1970, c.392 and amendments thereto)

. . . The Honourable the Minister of Transportation and Communications recommends that the following be taken into consideration by the Ontario Highway Transport Board when determining questions of public necessity and convenience:

1. The availability of an efficient inter-urban bus passenger and associated express freight service, reflecting public demand and the integration of such service with all other passenger transportation systems in Ontario;
2. The need for competition to ensure the best service at the lowest cost to the public, while having regard to the economic impact on the licensed carriers;
3. The ability and willingness of the applicant to provide service for which there is public demand, combining, as appropriate to the market to be served, marginal or sub-marginal and profitable services;
4. The suitability of the applicant's proposed scale and style of operations in the market to be served.

APPENDIX 'C-5'

O.I.C. POLICY STATEMENT P.V.A. (AIRPORT)

O.C. #: 976/79

Certification Date: 4th, April, 1979

Gazette Date: 5th, May, 1979

(Pursuant to **The Public Vehicles Act**, R.S.O. 1970, c.392 and amendments thereto)

. . . The Honourable the Minister of Transportation and Communications therefore recommends that the following be taken into consideration by the Ontario Highway Transport Board when determining questions of public necessity and convenience in relation to ground transportation services involving Toronto International Airport:

1. Convenient, low cost inter-urban ground transportation services to and from communities served by Toronto International Airport.
2. Compatibility of services licensed under The Public Vehicles Act with the requirements for ground transportation services at the Airport as expressed by the Airport administration, taking into account motor vehicles serving the Airport under the authority of permits issued by the Airport Manager.

APPENDIX 'D-1'

THE ONTARIO HIGHWAY TRANSPORT BOARD

REVENUE

FOR THE PERIOD JANUARY 1ST, 1980 TO DECEMBER 31ST, 1980

Application Fees	\$132,610.00
Court Costs	49,905.00
Transcripts	1,671.00
Tariffs (Including copies)	67,817.00
Credits & U.S. Exchange	844.00
Miscellaneous	20,826.00
Gross Revenue	<u>\$273,673.00</u>
Refunds & N.S.F. Cheques	- \$11,514.00
Net Revenue	<u>\$262,159.00</u>

APPENDIX 'D-2'
THE ONTARIO HIGHWAY TRANSPORT BOARD

APPLICATIONS PROCESSED
FOR THE PERIOD JANUARY 1, 1980 TO DECEMBER 31, 1980

CLASS	TOTAL	GRANTED	DENIED
The Public Commercial Vehicle Act:			
A	51	42	9
C	27	24	3
D	368	314	54
E	19	18	1
F	27	19	8
FF	1	1	0
FS	17	12	5
H	17	13	4
K	18	14	4
L	7	7	0
R	702	526	176
T	47	43	4
W	122	48	74
SUB TOTAL	1,423	1,081	342

The Public Vehicle Act:

PV	81	67	14
PV (SB)	86	86	0
SUB TOTAL	1,590	1,234	356

The Motor Vehicle Transport Act:

Goods	396	344	52
Freight Forwarders	3	3	0
Passengers	30	26	4
TOTAL	2,019	1,607	412

	Jan.	Feb.	Mar.	Apr.	May	Jun.	Jul.	Aug.	Sep.	Oct.	Nov.	Dec.	TOTAL
Public Vehicle Tariffs	45	24	18	40	32	21	34	16	33	13	34	35	345
Leases	24	43	29	33	45	26	57	23	28	46	43	51	448
Reasons for Decision	23	15	18	23	22	16	33	13	14	8	10	20	215
Applications Withdrawn	38	48	42	40	52	58	80	60	60	94	63	49	684

APPENDIX 'D-3'

THE ONTARIO HIGHWAY TRANSPORT BOARD

BOARD DECISIONS — AFTER PUBLIC HEARING . . . FOR THE YEAR 1980

CLASS	TEMPORARIES/INTERIMS				LICENCE APPLICATIONS						TRANSFERS		
	APPLICA- TIONS	Denied	Granted		APPLICA- TIONS	Denied	Granted	# of Cases Opposed	% Opposed	# of Respond- ents	Average # Respond- ents	Shares	Licenses
A	-	-	-		44	9	35	32	73%	232	7.25	-	2
C	1	-	1		20	3	17	8	40%	77	9.63	-	-
D	1	-	1		213	47	166	135	63%	382	2.83	-	3
E	-	-	-		2	-	2	2	100%	5	2.50	-	-
F	-	-	-		18	7	11	4	22%	10	2.50	1	1
FF	-	-	-		1	-	1	1	100%	9	9.00	-	-
FS	-	-	-		12	4	8	5	42%	9	1.80	-	-
H	-	-	-		14	4	10	8	57%	27	3.38	-	-
K	-	-	-		18	4	14	12	67%	31	2.58	-	-
L	-	-	-		-	-	-	-	-	-	-	-	-
R	-	-	-		639	167	472	21	3%	32	1.52	-	3
T	-	-	-		43	4	39	19	44%	51	2.68	-	-
W	-	-	-		121	74	47	119	98%	134	1.13	-	-
SUB TOTAL	2	-	2		1,145	323	822	366	32%	999	2.73	1	9
PV	-	-	-		62	13	49	29	47%	79	2.72	3	5
PVS	-	-	-		6	-	6	2	33%	5	2.50	-	-
SUB TOTAL	2	-	2		1,213	336	877	397	33%	1,083	2.73	4	14
PCVX	2	-	2		333	48	285	147	44%	565	3.84	9	3
FFX	-	-	-		3	-	3	3	100%	28	9.33	-	-
PVX	-	-	-		21	4	17	9	43%	29	3.22	-	2
TOTAL	4	-	4		1,570	388	1,182	556	35%	1,705	3.07	13	19

THE ONTARIO HIGHWAY TRANSPORT BOARD

BOARD DECISIONS — WITHOUT PUBLIC HEARING . . . FOR THE YEAR 1980

CLASS	TEMPORARIES/INTERIMS				LICENCE APPLICATIONS				TRANSFERS		
	APPLICATIONS		Denied		Granted		Applications		Denied	Granted	Licences
A	83	7	76	7	7	7	22	9	13		
C	24	3	21	3	7	7	11	-	11		
D	189	105	84	105	155	148	51	4	47		
E	5	-	5	-	17	16	8	-	8		
F	13	6	7	6	9	8	20	1	19		
FF	-	-	-	-	-	-	-	-	-		
FS	12	6	6	6	5	4	11	-	11		
H	4	1	3	1	3	3	7	-	7		
K	12	6	6	6	-	-	4	-	4		
L	-	-	-	-	7	7	-	-	-		
R	301	135	166	135	63	54	199	1	198		
T	32	11	21	11	4	4	5	1	4		
W	17	17	-	17	1	1	-	-	-		
SUB TOTAL	692	297	395	297	278	259	338	16	322		
PV	58	10	48	10	19	18	27	5	22		
PVS	44	9	35	9	80	80	53	1	52		
SUB TOTAL	794	316	478	316	377	357	418	22	396		
PCVX	213	76	137	76	63	59	54	27	27		
FFX	-	-	-	-	-	-	-	-	-		
PVX	9	2	7	2	9	9	9	1	8		
TOTAL	1,016	394	622	394	449	425	481	50	431		

COMMENTS:

THE ONTARIO HIGHWAY TRANSPORT BOARD
OUT OF TOWN AND JOINT PROVINCIAL HEARINGS
HELD DURING THE PERIOD JANUARY 1, 1980 to DECEMBER 31, 1980

MONTH	LOCATION	APPLICATIONS	APPLICATIONS HEARD					GRANTED	DENIED	WITHDRAWN
			"R" LICENCE	"W" LICENCE	OTHERS	ADJOURNED				
JANUARY	Sudbury	2	—	—	2	—	2	—	—	—
	Cambridge	1	—	—	1	—	—	1	—	—
	Collingwood	1	—	—	1	—	1	—	—	—
FEBRUARY	Kitchener	12	10	—	2	—	6	6	—	—
	London	22	22	—	—	1	15	5	1	1
	Windsor	13	13	—	—	—	11	1	1	1
	Cambridge	1	—	—	1	—	—	1	—	—
	Peterborough	15	15	—	—	1	13	1	—	—
	Kingston	6	6	—	—	—	5	—	—	1
	Ottawa	27	27	—	—	—	18	8	—	1
	North Bay	1	—	—	1	—	1	—	—	—
MARCH	Kitchener	2	—	—	2	—	—	—	—	2
	Sudbury	12	12	—	—	—	8	4	—	—
	Sault Ste. Marie	4	3	—	1	—	4	—	—	—
	Cambridge	1	—	—	1	—	—	1	—	—
	Sarnia	1	—	—	1	—	1	—	—	—
	Timmins	6	6	—	—	—	4	2	—	—
	Kapuskasing	4	4	—	—	—	3	1	—	—
	Thunder Bay	19	14	—	4	2	11	3	2	2
	Fort Frances	3	3	—	—	—	3	—	—	—
	Dryden	7	7	—	—	—	5	2	—	—
	St. Catharines	18	18	—	—	—	14	3	—	1
APRIL	Timmins	2	1	—	1	1	1	—	—	—
	Sudbury	14	6	—	8	—	9	4	—	1

THE ONTARIO HIGHWAY TRANSPORT BOARD
OUT OF TOWN AND JOINT PROVINCIAL HEARINGS
HELD DURING THE PERIOD JANUARY 1, 1980 to DECEMBER 31, 1980

MONTH	LOCATION	APPLICATIONS	APPLICATIONS HEARD						
			"R" LICENCE	"W" LICENCE	OTHERS	ADJOURNED	GRANTED	DENIED	WITHDRAWN
APRIL - cont'd	Thunder Bay	7	4	—	3	—	5	2	—
	Dryden (joint)	1	—	—	1	—	1	—	—
	Dryden	2	2	—	—	—	1	1	—
MAY	Ottawa	43	14	—	29	2	25	10	6
	Sault Ste. Marie	6	3	2	1	1	4	1	—
	Thunder Bay	12	—	12	—	1	1	9	1
	Cobourg	1	—	—	1	1	—	—	—
	Kenora	2	—	2	—	—	2	—	—
	Lindsay	1	—	—	1	—	1	—	—
	North Bay	26	—	26	—	4	3	17	2
	Cornwall	1	—	—	1	—	1	—	—
	Kitchener	12	5	—	7	3	5	3	1
	Pembroke	24	—	20	4	5	9	6	4
JUNE	Sudbury	57	—	55	2	13	20	15	9
	London	30	21	—	9	—	19	8	3
	Timmins	19	—	19	—	2	6	10	1
	Kapuskasing	17	—	17	—	—	7	7	3
	Barrie	1	—	—	1	—	1	—	—
JULY	St. Catharines	4	—	—	4	—	4	—	—
	Windsor	22	15	—	7	—	14	3	5
	Thunder Bay	13	9	3	1	—	9	3	1
AUGUST	Dryden	6	4	—	2	—	5	1	—
	Fort Frances	7	5	1	1	1	6	—	—

THE ONTARIO HIGHWAY TRANSPORT BOARD
OUT OF TOWN AND JOINT PROVINCIAL HEARINGS
HELD DURING THE PERIOD JANUARY 1, 1980 to DECEMBER 31, 1980

MONTH	LOCATION	APPLICATIONS	APPLICATIONS HEARD						
			"R" LICENCE	"W" LICENCE	OTHERS	ADJOURNED	GRANTED	DENIED	WITHDRAWN
SEPTEMBER	Kitchener	1	—	—	1	—	—	—	1
	Manitoba (joint)	1	—	—	1	1	—	—	—
	Ottawa	45	19	—	26	4	20	15	6
OCTOBER	Kitchener	18	6	—	12	2	11	2	3
	Timmins	9	4	—	5	1	5	3	—
	Kapuskasing	14	10	—	4	2	8	3	1
	London	18	18	—	10	9	13	4	2
	Montreal	2	—	—	2	—	1	—	1
	Sudbury	39	30	—	9	4	27	5	3
NOVEMBER	Sault Ste. Marie	11	10	—	1	—	9	2	—
	Elliot Lake	1	—	—	1	1	—	—	—
	Ottawa	24	17	—	7	5	11	4	4
	Thunder Bay	28	22	—	6	5	17	3	3
	Dryden	8	6	—	2	1	7	—	—
	Fort Frances	6	6	—	—	1	4	1	—
	Belleville	1	—	—	1	1	—	—	—
	Windsor	9	6	—	3	5	2	2	—
DECEMBER	Oakville	1	—	—	1	1	—	—	—
	Chatham	1	—	—	1	—	1	—	—
	Manitoba (joint)	1	—	—	1	1	—	—	—
	Windsor	1	—	—	1	1	—	—	—
TOTAL		757	403	157	197	83	421	183	70

APPENDIX 'D-6'

THE ONTARIO HIGHWAY TRANSPORT BOARD

APPLICATIONS RECEIVED JANUARY 1ST, 1980 TO DECEMBER 31ST, 1980

Public Commercial Vehicle Act

Class	
A	181
C	71
D	764
E	41
F	79
FF	1
FS	41
H	48
K	51
L	4
R	1246
T	89
W	281
	<hr/> 2897 <hr/>

Public Vehicles Act

PV	211
PVS	198
	<hr/> 409 <hr/>

Motor Vehicle Transport Act (Canada)	943
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Total No. of Applications	<hr/> 4249 <hr/>
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Total No. of Leases	453
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Public Vehicle Tariffs referred	300
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10th Floor
151 Bloor Street West
Toronto, Ontario
M5S 2T5
416/965-1845

APPENDIX 'E'

REPORT ON CLASS "R" HEARINGS — 1980

In accordance with the policy statement of the Board (copy attached) Class "R" hearings were conducted throughout the Province during February, March and April.

The Board dealt with 236 applications during 23 days of hearings.

The format has been most helpful to the Board and we believe to the public. The most important benefits have been:

1. Allowing witnesses to support a number of applicants with one appearance has shortened the hearing process.
2. The total testimony of a large number of witnesses together with all available statistics and economic forecasts provided the Board with a comprehensive overview of the needs of all areas in the province in time to issue operating authority sufficient to meet the demand.

The Board granted certificates to 166 applicants. The total number of additional vehicles authorized by region is:

141	vehicles in Region 2
136	vehicles in Region 3
58	vehicles in Region 4
72	vehicles in Region 5
41	vehicles in Region 6

We believe the additional vehicles are generally sufficient to meet current demand. Evidence indicates demand will increase during the summer and reach a peak in early autumn, although it is very difficult to quantify demand, particularly in a year when high interest rates may drastically curtail residential and industrial construction.

Considering all the available evidence we believe the following forecast of Class "R" requirements by region will be beneficial to prospective applicants. The Regions are listed in the order of greatest potential need during 1980.

REGION 6 —

A buoyant forest industry and extensive highway construction is placing heavy demands on the Class "R" industry. Additional vehicles will probably be required in this region.

REGION 3 —

Demand for Class "R" vehicles will be influenced by the amount of residential and industrial construction. Extensive industrial construction is planned for the Windsor-Sarnia area but evidence was inconclusive as to the amount that would be done in 1980. There is extensive highway construction in this region and additional vehicles may be required. At this time we believe the demand for "R" vehicles in relation to supply will be much less than in 1979.

REGION 5 —

The overall supply of "R" vehicles is fairly good. Highway construction in the vicinity of North Bay and Huntsville may create local shortages and need for additional vehicles will be governed to some extent by carriers willingness to move from other areas. Some shortages were experienced in the District of Timiskaming in 1979 and additional vehicles may be required.

REGION 2 —

This region has the greatest number of licensed Class "R" vehicles and also the greatest potential for demand. It also has the highest percentage of vehicles authorized but unlicensed. As of January 9, 1980 in excess of 500 vehicles were authorized but not licensed. Shifts in the construction industry are a most important consideration. The available economic forecasts indicate there will probably be little need for additional Class "R" vehicles in Region 2 during 1980.

REGION 4 —

With the exception of some localized demand, for the most part due to highway construction in the Pembroke-Arnprior area, the region is well supplied with Class "R" vehicles. During 1979 a number of Ottawa area operators worked in Region 6. We believe very few additional vehicles will be required during 1980.

The Board does not foresee a need for temporary or emergency authority to any extent during 1980. We are now in a position to deal with permanent application to meet anticipated demand.

The Board will carefully monitor the situation and respond to any unforeseen demand.

Applicants are urged to obtain the necessary operating authority **before** purchasing their vehicles.

G.J. Norton,
Vice-Chairman.

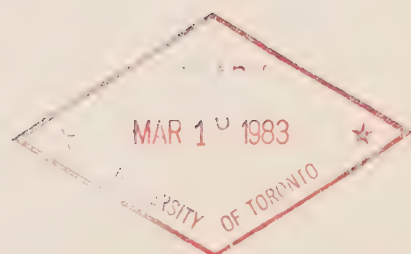
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Ontario Highway Transport Board

ANNUAL REPORT

1981



ANNUAL REPORT
OF
THE ONTARIO HIGHWAY TRANSPORT BOARD
for the year ending December 31, 1981

ANNUAL REPORT
OF
THE ONTARIO HIGHWAY TRANSPORT BOARD
for the year ending December 31, 1981

The Ontario Highway Transport Board, pursuant to Section 28 of the Ontario Highway Transport Board Act, R.S.O. 1970, Chapter 316, begs leave to submit its twenty-sixth Annual Report upon its affairs to the Honourable the Minister of Transportation and Communications for the calendar year 1981.

Members of the Board:

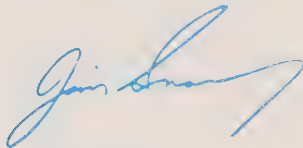
B.B. Alexander, Q.C.	Chairman
G.C. Marrs	Vice-Chairman
G.J. Norton	Vice-Chairman
J.A. Wardrop	Member
A.A. Landry	Member
J.M. Duncan	Member
R.D. Sloan	Member
E.J. Canning	Member
C.F. Bark	Member
M.H. Shecter	Member

To: The Honourable John Black Aird
O.C., Q.C., B.A., LL.D.
Lieutenant-Governor of the Province of Ontario

MAY IT PLEASE YOUR HONOUR:

The undersigned takes pleasure in submitting the
Annual Report for the Ontario Highway Transport
Board for the calendar year ending December 31,
1981.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "James Snow", with a stylized flourish at the end.

James Snow,
Minister

TO: The Honourable James Snow
Minister of Transportation and
Communications

Sir:

I have the honour to present the report of the activities
of The Ontario Highway Transport Board for the
calendar year ending on December 31, 1981.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Bruce B. Alexander". The signature is fluid and cursive, with the first name "Bruce" and last name "Alexander" clearly distinguishable.

Bruce B. Alexander, Q.C.
Chairman

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1981 ANNUAL REPORT OF THE BOARD

MANAGEMENT PROCESS

Staffing: Mr. David S. Church, Manager, Office of Proceedings and Secretary, retired on June 30, 1981 after 15 years service. David Church was a tireless and dedicated servant of the Board. His contribution to its smooth functioning was gratefully appreciated by all who dealt with him.

Mrs. Christina I. Davila, was appointed Manager, Office of Proceedings and Secretary on August 17, 1981. Mrs. Davila has had extensive administrative experience in various government agencies. The Office of Proceedings, which was established to provide a point of contact with the public in all matters relating to the application process is now fully staffed and operational.

PUBLIC INFORMATION PROGRAM

The Board has added to its list of public information booklets and publications on the application process.

Publications now available are:

“An Introduction to the Ontario Highway Transport Board”

“How to Apply for a Class ‘H’ P.C.V. Licence”

“How to Apply for a Class ‘R’ P.C.V. Licence”

A further pamphlet “The Application Process — Guidelines” is now being published.

Copies of these booklets may be picked up free of charge at the Board Offices, 151 Bloor Street West, Toronto. For additional information contact the Office of Proceedings, telephone (416) 965-1845.

OFFICE ACCOMODATION

The Board has recently completed a major physical change in its accommodation the main feature of which was the establishment of three hearing rooms on the second floor of the building and the centralization of staff and records on the tenth floor. The changes have improved staff efficiency and productivity and created better public access to the Board.

POLICY DEVELOPMENT AND HEARINGS PROCEDURE

Public Hearings

Class ‘R’ Hearings (dump vehicles). The Board conducted a series of public hearings, throughout the province in the spring of the year to obtain data and information in connection with the available supply of dump vehicles and the anticipated demand for their services, in the various regions. The hearings were scheduled as follows:

February 23	—	St. Catharines
February 24	—	Kitchener
February 25	—	London
February 26	—	Windsor
March 2	—	Peterborough
March 3	—	Kingston

March 4 & 5	—	Ottawa
March 12	—	Sault Ste. Marie
March 16 & 17	—	Sudbury
March 18	—	Timmins
March 19	—	Kapuskasing
March 23	—	Thunder Bay
March 24	—	Fort Frances
March 25	—	Dryden
March 30 to Apr. 2	—	Toronto

On the basis of evidence presented at the hearings, the Board issued a report which summarized the supply and demand in each of the five licence regions and the action required on the part of the Board to ensure that the supply of vehicles was consistent with the demand. The report concluded that work prospects were good in regions 5 and 6 and that additional vehicles would be required to service the forest and mining industries. In the balance of the province the demand was either below normal or at a level where it could generally be met by the existing supply of licensed vehicles. The 1981 Report on Class 'R' hearings is appended hereto as Appendix 'E'.

Probationary Licence Hearings

The P.C.V. Act was amended on August 31, 1979 to enable certain unlicensed for-hire carriers to apply for a probationary operating licence. Under the amendment, any unlicensed trucker who operated one or more commercial vehicles for compensation between October 1, 1974 and September 30, 1976 was eligible to apply for an operating licence. This licence would authorize the provision of the same services that were provided by the applicant during that period. Applications had to be filed with the Board, not later than 180 days after the 31st day of August, 1979.

This grandfathering process was subject to two qualifications:

- 1) that the applicant did not hold any PCV operating licence, other than a Class F, FS or R, during the period described; and
- 2) that they be operating a for-hire transportation business at the time of application.

The legislation further provided that not less than one year after the date of issue, the Board would review the licence and at its discretion issue a new certificate, approving a permanent operating licence.

To date applications have been dealt with as follows:

Total applications	122
— certificates granted	30
— applications denied	15
— applications withdrawn	33
— applications dismissed	10
— applications in process	34

PUBLIC MEETINGS

As in past years the Board used the public meeting process to obtain public input to Board policies and procedures. During 1981 public meetings were held in connection with:

- i) Class 'R' operating licence applications — as listed.
- ii) Probationary operating licence applications — pre-hearing conference.
- iii) General procedural matters were often raised and discussed at the Board's Thursday afternoon meetings which deal primarily with scheduling matters. These meetings are open to all members of the public.

BOARD SEMINARS AND COURSES

Board Seminars involving members and senior staff were held at The Guild Inn, Scarborough on June 11 and 12 and at Kempenfeldt Bay, Barrie on November 12 and 13.

Papers were presented on a variety of matters and officials from the Ministry of Transportation and Communications and the Ministry of the Attorney General were invited to speak on matters of transportation policy and administrative law.

Board members and selected staff attended a 1-day refresher course on "Financial Statement Analysis" held in Toronto, on April 3. The course was provided by The George Brown College of Applied Arts and Technology and was designed to meet the Board's specific interest in the financial statement of transportation companies.

CANADIAN CONFERENCE OF MOTOR TRANSPORT ADMINISTRATORS

Members of the Board continue to participate in the working groups of the Canadian Conference of Motor Transport Administrators. One such group has been dealing with proposed amendments to the Motor Vehicle Transport Act (Canada). It is now expected that the amendments, including those relative to the joint hearing process, out of jurisdiction service of summonses and the regulations making process, all of which will facilitate the extra provincial hearing process, will be in place for presentation to Parliament during the latter part of 1982. Work is also ongoing with respect to establishing common board procedures applicable, within certain discretionary limits, to each provincial jurisdiction. These procedures together with discussions as to uniformity in matters such as leasing, have the same common goal which is to achieve a degree of uniformity that will expedite the hearing process in all jurisdictions to the ultimate benefit of the public at large.

TRANSPORTATION POLICY

The Public Vehicles Act

Regulations pertaining to charters under The Public Vehicles Act were implemented as a result of recommendations made to the Minister of Transportation and Communications by The Public Vehicles Act Review Committee. These regulations incorporated in O. Reg. 65/81 were published in the Ontario Gazette of February 28, 1981 and became effective on July 1, 1981.

The purpose of O. Reg. 65/81 was to effect the following changes to Regulation 762 under The Public Vehicles Act:

- (1) Repeal of the prohibition, in Section 12(2), against the operation of charter trips in such a manner as to constitute a recurring service.
- (2) Implementation of a 75% charter trip passenger origination — 25% charter trip passenger top-off rule.

In other words the regulation provided that a licensee could operate a public vehicle on a charter trip from any point designated in its licence where not less than 75% of the persons being transported boarded the vehicle at such point. Until the decision of the Divisional Court of Ontario of June 6, 1977, concerning an appeal of a ruling of the Board by Penetang Midland Coach Lines Limited it was generally thought that Section 12 (1) (a) of Regulation 762 under

The Public Vehicles Act required the operators of chartered trips made under the authority of that section to pick-up or board all of their charter passengers at points designated in their licences. The Divisional Court reversed this, by interpreting the term "originating" to mean only one charter passenger need board a charter vehicle at a point designated in the carriers licence to satisfy the provisions of the Regulation. The Committee was left to determine how many charter passengers should be required to board charter vehicles at points designated in the operators licence. Smaller operators argued for a low number on the basis that such would facilitate charter group services for groups of small tours for which no single community could often generate enough passengers to fill a bus. Larger carriers argued that what smaller carriers really wanted was to "originate" charters in the major urban markets rather than the small towns; and noted that, should they be successful in doing so, the resulting competition in the major urban charter markets might make it difficult for the larger carriers to finance their marginal and unprofitable scheduled service route structures.

The Committee recommended a 75% licence point origination rate as the basis of a compromise between these view points and with the understanding that the rate could be amended if circumstances changed or if the assertion with respect to reliance of larger carriers as charter services were disproven.

- (3) Implementation of a new definition of a "chartered trip" which allows the operation of charters on the basis of direct per seat sales.
- (4) Implementation of a new method of protecting charter licence territory, in place of the method now specified in Section 12 (i).

A carrier may now protect his charter points by filing a tariff with the Ministry of Transportation and Communications which will have the effect of making the type of vehicle requested available to the customer without the assessment of any dead-head charges from that point. This is accomplished by having the licensee designate equipment points and service points in its tariff.

- (5) Provision to the Ministry of charter trip and charter tariff information in sufficient detail and format to allow for the proper administration and enforcement of the above changes.

In addition to the preceding the Ministry implemented in conjunction with O. Reg. 65/81 other measures, including a policy of approving charter tariff applications without referral of such applications to the Board for hearing. In so doing, the Ministry reserved the right to refer any particular tariff to the Board and the right of reverting, if necessary, to the policy of referring all tariff applications to the Board.

The policy of approving of charter tariffs without a hearing is contingent on three conditions:

- i) The charter tariff application was made on the form provided by the Ministry pursuant to O. Reg. 65/81.
- ii) The charter tariff applied for would not become effective on any date prior to July 1, 1981.
- iii) No public or carrier complaint is received by the Ministry concerning the tariff. Any such complaint will cause the tariff to be referred to the Board.

A policy statement was issued to the Board under Section 26 of The Public Vehicles Act, Order-in-Council 1835/81, dated June 26, 1982, concerning the new definition of "chartered trip" provided in O. Reg. 65/81. A copy of the Order-in-Council is attached hereto as Appendix C-6.

The definition of "chartered trip" in the new regulation is as follows:

- (a) "chartered trip" means a trip, not being a scheduled service or a special trip, for which a public vehicle is hired for the transportation of a group of persons and for which the licensee of the public vehicle,
 - (i) is paid one fare or charge only for the chartering of the bus, or
 - (ii) is paid a fare by each passenger, which fare includes a charge for accommodation, meals or tickets of admission;

It is intended that any carrier certificated by the Board for the privilege specified in part (a)(i) of the new definition also receive certification for the privilege specified in part (a)(ii), except in the most unusual of circumstances; but that there be no such specification for certifications relating to applications solely for the (a)(ii) privilege.

The new definition of chartered trip obviates the need for separate tour licence applications by carrier holding unrestricted charter authority. Carriers holding charter authority issued under the previous definition of chartered trip would be considered, after July 1, 1981, to be licenced to operate such charters on the sale per seat basis defined in O. Reg. 65/81.

Public Commercial Vehicles Act

Bill 160, which received third reading on December 18, 1981 contained amendments to the P.C.V. Act that were of interest to the Board. Among these were:

Transportation of Milk

Some operating licences currently authorize the transportation of milk from and to specific locations and some authorize the transportation of milk and cream for The Ontario Milk Marketing Board. The transportation of milk is controlled by The Ontario Milk Marketing Board which is the initial purchaser of milk in the Province. In order to avoid conflict between the terms of an operating licence and directions that a transporter of milk may receive from The Ontario Milk Marketing Board the Act provided that the directions of The Ontario Milk Marketing Board would prevail notwithstanding the terms of a licence.

Corridor Movements Through Ontario

Section 7 of the Act provides for the issue of an operating licence where an applicant shows public necessity and convenience. Subsection 7 (4) currently provides that where an applicant requires a licence for the purpose of transporting goods through Ontario, public necessity and convenience shall be deemed to have been established upon the applicant filing with Board evidence that the applicant holds appropriate operating licences issued by the provinces where the transportation by the applicant will originate and terminate. The provision as recast expands this provision to give "other jurisdictions" that same status as provinces so that for example, "in transit" moves which begin or end in the United States can be dealt with in the same manner.

Referrals to the Ontario Highway Transport Board

This amendment permits the Minister, where an operating licence is ambiguous or the rights granted uncertain, to refer the licence to the Board so that the Board, after a hearing can amend the certificate on which the licence is based and thereby remove the ambiguity or uncertainty.

Exemptions

The following were added to the list of exemptions under the Act;

- certain farm supplies and produce while being transported in commercial motor vehicles equipped with not more than two axles;
- wheat transported by a person appointed to act as agent for the Ontario Wheat Producers' Marketing Board.

Intercorporate Transportation

Provision was made whereby a corporation may apply for a certificate of intercorporate exemption that has the effect of permitting affiliated corporations named in the certificate to transport each other's goods.

Fertilizer

The legislation was amended to provide that every operating licence authorize the holder to transport bulk fertilizer during the months of April, May and June.

P.C.V. Act Review Committee

Of primary importance to the Board was the announcement on May 8, 1981 of the establishment of a committee to review the Public Commercial Vehicles Act. In announcing the formation of the Committee The Honourable James Snow, Minister of Transportation and Communications, charged the Committee with the task of laying the groundwork for the development of a new Highway Transport Act which would take into consideration:

- present and future economic trends,
- future needs of shippers and carriers,
- technological advances such as electronic data transmission, and
- effective enforcement.

At the inaugural meeting of the Committee on June 9, 1981, the Minister underlined an earlier statement by the Premier of Ontario, the Honourable W.G. Davis, that there would continue to be a regulated trucking industry in Ontario. He also stated that he wanted legislation that was: "simple, sensible, enforceable, and encouraged flexibility and productivity to flourish."

The Committee which was chaired by Mark Larratt-Smith, Assistant Deputy Minister, Safety and Regulation, is composed of twenty-three representatives of various groups that have an interest in the truck transportation industry, including shippers, carriers and government. During its first six months the Committee began the process of receiving oral submissions from interested groups.

Board chairman, Bruce Alexander was named as a member of the committee and has endeavoured, through his representation at the many committee meetings, to ensure that the membership understands fully the role and responsibilities of the Board. One of his presentations to the committee was specifically designed to make the members familiar with the Board's operation.

In his presentation the Chairman covered:

- the development of the Board,
- administrative changes resulting from the Board review,
- policy guidelines,
- the application process,
- provision for review of decisions,
- fairness and impartiality,
- the independence of the Board.

BOARD POLICIES AND PROCEDURES

Policy Statements

(from 1978 to December 31, 1981)

Continuing its practice of publishing formulated policy, the Board issued policy statements in connection with complementary authorities, notice of objection, change of name of licence holder or shipper on PV/PCV operating authority and issuance of summonses.

Board Policy Statements issued to date by the Board are as follows:

No. 001/78-9-29 (cancelled and superseded by Policy Statement No. 004/79-8-2) Effective date:	Renewal of licence under the Public Commercial Vehicles Act. September 29, 1978
No. 002/79-2-1 Effective date:	Adjournment of Hearing. February 1, 1979
No. 003/79-5-14 Effective date:	Admissibility as evidence of photocopies and microfilm prints. May 14, 1979
No. 004/79-8-2 Effective date:	Renewal of a public commercial or public vehicle operating licence. immediate
No. 005/79-9-7 Effective date:	Recording of hearing proceedings. September 7, 1979
No. 006/79-9-7 Effective date:	Transfers and temporaries. September 7, 1979
No. 007/79-9-7 Effective date:	Cancellation of interim licence of adjournment of hearing. September 7, 1979
No. 008/79-11-19 Effective date: (amended by Policy Statement No. 012/81-1-1)	Expanded use of Section 8 proceedings. immediate
No. 009/80-1-14 Effective date:	Hearing procedures for applications for Class 'R' Operating licence. immediate
No. 010/80-9-4 Effective date:	Complementary authorities. Draft for discussion purposes — no implementation date.
No. 011/8 -9-30 Effective date:	Distribution of notices of decision. immediate
No. 012/81-1-1 Effective date:	Amendment to Policy Statement No. 008/79-11-19. Expanded use of Section 8 proceedings. January 1, 1981

No. 013/81-06-25	Complementary authorities.
Effective date:	immediate
No. 014/81-09-16	Filing of Notices of Objection.
Effective date:	September 16, 1981
No. 015/81-12-02	Change of name of licence holders or shippers on P.V. and P.C.V. Operating Licences.
Effective date:	immediate
No. 016/81-12-02	Issuance of Summonses.
Effective date:	December 2, 1981

Policy Statements published by the Board during the period January 1 - December 31, 1981 are appended to this report (Appendices B-1 to B-5).

SUMMARY OF BOARD STATISTICS

1.	Board revenue for 1981	=	\$255,293.00
2.	Applications for permanent licenses processed by the Board	=	1860
	1172 P.C.V. applications	=	63.02%
	180 P.V. applications	=	9.67%
	508 M.V.T.A. applications	=	27.31%
	Decisions after public hearing	=	1106
	Decisions without public hearing	=	754
3.	Matters heard or dealt with by the Board consisted of:		
	- applications for a permanent licence	=	1860
	- applications for a temporary or interim licence	=	761
	- applications for transfer of shares approval	=	46
	- applications for transfer of operating licence	=	426
	- applications for P.V. tariff approval	=	294
	- reasons for decision issued	=	197
	- applications for vehicle lease approval	=	530

Detailed statistical analysis of the Board’s activities during 1981 are set out in Appendices ‘D-1 to D-6’.

LEGEND

1	NEW POSITION
2	POSITION ABOLISHED
3	TOP FROM OTHER CHART
4	POSITION TITLE CHANGE
5	POSITION NUMBER CHANGE
6	CHANGED REPORTING RELATIONSHIP
7	MISCELLANEOUS — SEE NOTE
8	REVISED CHART

TRANSACTION		DATE
LETTER	LEGEND	

CHAIRMAN
ONTARIO HIGHWAY
TRANSPORT BOARD
01

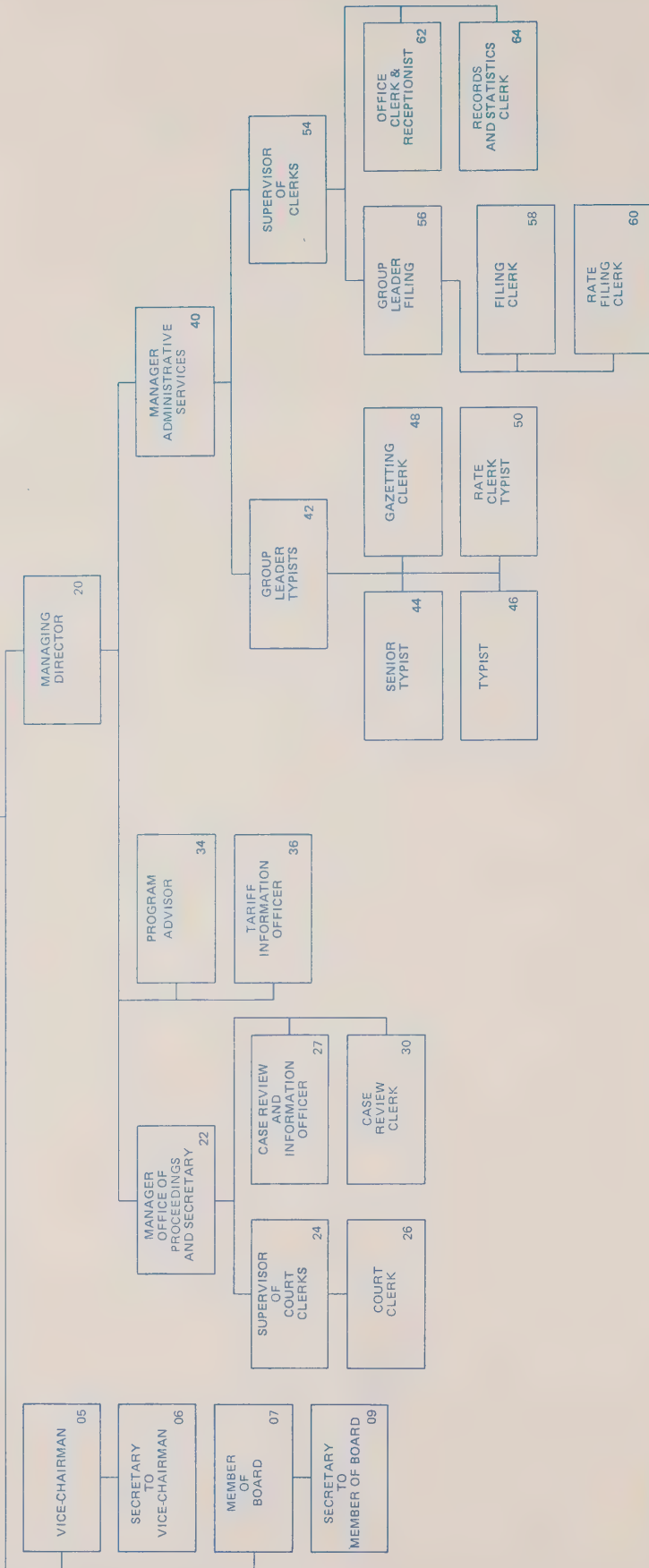


ONTARIO HIGHWAY TRANSPORT BOARD

POSITION:
MINISTER

CHART No.
06-0010

TO CHART NO.
06-0001



POSITION
TITLE
04

POSITION CODE No.

CHART COMPLEMENT

RECOMMENDED _____ CHAIRMAN

APPROVED _____

MINISTER

RECOMMENDED _____ DIRECTOR OF PERSONNEL

APRIL 1, 1980

APPENDIX 'B-1'

POLICY STATEMENT — 012/81-01-01

Item:

This is an amendment to and should be read in conjunction with the Policy Statement issued on November 19, 1979 with respect to Section 8 of Regulation 632 under **The Ontario Highway Transport Board Act**. The said Section 8 reads as follows:

8. – (1) The Board may, in its discretion, publish notice of an application or reference in The Ontario Gazette without fixing a day for a hearing.
- (2) If no objection is served and filed in the manner prescribed by section 5 within twenty-nine days of the publication, the Board may dispose of the application or reference summarily.
- (3) If an objection is served and filed within twenty-nine days of the publication, the Board shall fix a date for the hearing with notice to all parties, and the procedure is thenceforth the same as for a proceeding to which this section does not apply.

Objective:

To improve the Board's scheduling process and to reduce the number of public hearings.

Background:

Section 8 of Regulation 632 under **The Ontario Highway Transport Board Act** provides, among other things, that the Board may dispose of an application without a public hearing where notice of the application has been published in The Ontario Gazette without fixing a date for hearing and no objection to the application is served and filed within 29 days of the publication.

The current policy of the Board is to publish notice pursuant to Section 8 for all applications, with the exception of Class 'R' and 'W' applications. When no objection is filed, the following may be disposed of without a public hearing provided that they are supported by appropriate documentation:

- (a) Public Vehicle school bus;
- (b) applications for reinstatement of operating licences received on or before September 30th in the year of expiry and where accompanied by an interim application supported with the appropriate affidavits;
- (c) applications for corridor authority through the Province of Ontario when accompanied by permanent complementary authorities from the jurisdictions of origin and destination;
- (d) Class 'E' applications involving a change of milk producers for and on behalf of the Milk Marketing Board or cream products for and on behalf of the Ontario Cream Marketing Board;
- (e) applications for transfer of shares or operating licences in most situations where the consideration for the sale is less than one (1) million dollars and there exists no other reason for the Board to review the transfer at a hearing;

- (f) Class 'D' applications;
- (g) other miscellaneous matters of a normally routine nature.

In the Ontario Gazette of May 3, 1980 the Board advertised a special meeting to review the use of Section 8 advertising of applications. The meeting was held on June 6, 1980, and the following policy statement has taken into consideration the oral and written submissions put forward at that meeting.

Policy:

The Board will continue to publish notice pursuant to Section 8 for all but Class 'R' and 'W' applications.

The Board will extend its practice of disposing of unopposed applications without a public hearing to include Class 'E', 'F', 'FS' and 'T' applications and extra-provincial applications for named shippers or named commodities.

The following procedure will apply to applications published pursuant to Section 8:

- (a) an applicant may be requested to clarify the terms of the application before publication in The Ontario Gazette;
- (b) an applicant may be required to file documentation with respect to the application (e.g. agreement of purchase and sale, school board contract, complementary authority, etc.) before publication in The Ontario Gazette;
- (c) when the application is in an acceptable form for publication and appropriate documentation has been filed, it will be published pursuant to Section 8;
- (d) to assist the Board in scheduling a hearing when necessary, an applicant will be requested to advise the Board of the following matters on a card provided at the time of publication:
 - (i) length of time required to present applicant's case;
 - (ii) number of witnesses expected to be called;
 - (iii) dates upon which an applicant or his counsel is unable to attend a hearing.
- (e) where an application is opposed within 29 days of publication, a hearing will be scheduled on notice to the parties without further advertisement. Scheduling can be spoken to at the scheduling meeting held each Thursday in Hearing Room No. 1 at the Board Offices, 151 Bloor Street, West, 10th Floor, Toronto or by writing to the Secretary of the Board at the same address;
- (f) where an application is not opposed within 29 days of the publication and is in the category of applications eligible to be disposed of without a hearing, a request will be mailed to the applicant or his solicitor for affidavits in support of the application to be received on or before a certain date. If appropriate documentation is not received within the specified time, the matter will be set down for a public hearing on notice to the applicant.

Applicants anticipating no opposition to their applications are encouraged to prepare affidavits in support during the 29 day advertising period to enable prompt filing of this material with the Board and an expeditious final disposition.

In addition to those unopposed applications in categories eligible to be disposed of without a public hearing, the Board will consider disposing of any other unopposed application under **The Public Vehicles Act**, **The Public Commercial Vehicles Act** or **The Motor Vehicle Transport Act (Canada)** without a public hearing where it is satisfied that a hearing is unnecessary to establish public necessity and convenience.

It should be noted that publication of an application pursuant to Section 8 does not guarantee disposition without a public hearing or a grant of the application.

Effective date: January 1, 1981

APPENDIX 'B-2'

POLICY STATEMENT – 013/81-06-25

Item: Complementary authorities.

Objective: To streamline existing procedures.

Background: The standard policy in Canadian jurisdictions is that a carrier wishing to provide an extra-provincial service is expected first to obtain authority from its home jurisdiction where the home jurisdiction is involved in the transportation service, before applying for complementary authority in the other jurisdictions involved.

Certificates of public necessity and convenience for extra-provincial operating licences have in the past contained a provision similar to the following:

"PROVIDED that this authority expires on the day of , 19 , unless prior to that date complementary authority as issued by the Manitoba Highway Transport Board is filed with the Ontario Highway Transport Board."

More recently such certificates have contained a provision similar to the following:

"PROVIDED that any extra-provincial operating licence issued pursuant to this certificate shall expire on the day of , 19 , unless prior to that date complementary authorities as issued by the Provinces of Manitoba and Saskatchewan are filed with the Ontario Highway Transport Board."

In both examples the licensee is required to obtain and file with the Board the requisite complementary authorities within a restricted time period.

If the necessary authorities are filed, the Board will amend its certificate by substituting a provision similar to the following:

"PROVIDED this authority be operated only in conjunction with the complementary authority as issued by the Interstate Commerce Commission of the United States of America, No. dated and filed with the Ontario Highway Transport Board."

Present practice is that the Board reviews the file three months prior to the expiration of the time allotted and if one or more authorities are not filed the licensee will be advised that unless it files them immediately or submits an application to extend the time for filing them, the Board will revoke its certificate or the portion of the certificate that relates to the missing complementary authority.

If an extension of time application is submitted it is advertised in the usual manner and applicants are asked to explain why the complementary authority was not obtained. Unless the carrier provides a reasonable explanation the Board will direct that the matter be set down for a public hearing.

Policy:

In all certificates of public necessity and convenience issued for extra-provincial authority provisions similar to the following will appear:

"Complementary authorities as issued by the Boards and/or Commissions of the Provinces of Manitoba, Saskatchewan and Alberta must be filed with the Ontario Highway Transport Board by the day of 19

Any extra-provincial operating licence issued pursuant to this certificate shall expire on the day of , 19 with respect to those jurisdictions for which complementary authority has not been filed."

Under these provisions extra-provincial operating licences or appropriate portions thereof will expire unless necessary complementary authorities or an application for an extension of time is filed with the Board prior to the specified termination date. The time limit **cannot** be extended by application to the Board after the licence has terminated. Where some but not all of the complementary authorities are filed with the Board, only that portion of the operating licence for which no complementary authority has been filed will expire.

Complementary authorities should be filed three months in advance of the expiration date. If complementary authorities cannot be filed before the expiration date an extension of one year may be obtained upon application to the Board. A longer period may be granted if reasonable under the circumstances. Applications for extensions of time should be filed at least one month prior to the expiration date.

The Board must be satisfied that justification exists for the additional period and may require that the application be considered at a public hearing.

Certificates will normally provide for a minimum filing period of 3 years.

APPENDIX 'B-3'

POLICY STATEMENT — 014/81-09-16

Item: The filing of Notices of Objection under Regulation 632 of The Ontario Highway Transport Board Act.

Objective: This Statement is issued for the purpose of clarifying Board procedures.

Policy: It is now the Board's practice (refer to the Board's Statement dated 1st January 1981) to publish most applications pursuant to Section 8 of Regulation 632. This section permits the Board to publish notice of an application in the Ontario Gazette without fixing a day for the hearing and if no objections are filed within 29 days of publication to dispose of the application summarily i.e. without a hearing. If an objection is filed within the prescribed 29 days the Board fixes a date for hearing and the hearing proceeds in the same manner as if Section 8 had not been invoked.

Where an objection has been filed within the 29 day period the question has been raised as to whether further Notices of Objection may be filed at least 15 days before the hearing date pursuant to Section 5 of the Regulation without the necessity of moving by way of Notice of Motion with respect to the time interval. The Board is of the opinion that where under Section 8 a hearing is required the provisions of Section 5 apply to such hearing and further Notices of Objection may be served and filed as prescribed "at least 15 days before the date set for the hearing" without proceeding by way of Notice of Motion.

It is to be noted that Notices of Motion will still be required where an abridgement of the prescribed 15 day period is required.

Effective date: immediate.

APPENDIX 'B-4'

POLICY STATEMENT - 015/81-12-02

Item: Change of Name of Licence Holders or Shippers on P.V. and P.C.V. Operating Licences.

Objective: To clarify Board policy.

Policy: **1. Change of Name of Licence Holder**

Where only the change of name of a licence holder is involved the Board requires a letter advising of the change of name along with a copy of the Certificate of Amendment to the Articles of Incorporation or an equivalent official document. On receipt of proper documentation the Board will revise its records and advise the Ministry of Transportation and Communications accordingly.

A change of name of a carrier resulting from a merger or amalgamation will be dealt with in the same manner except that the Board will also require a copy of the relevant Agreement along with a copy of the official Certificate of Amendment to the Articles of Incorporation.

2. Change of Name of Shipper — Amalgamation

A procedure, similar to Section 1. above will be followed where the name of a shipper designated in a licence is changed as a result of a corporate name change or amalgamation.

3. Change of Name of Shipper — Acquisition

Where a shipper sells his business to another company and the other company becomes the owner of the shipping location involved a formal application to the Board for amendment of the licence is required.

Mergers or amalgamations of licence holders or shippers regardless of whether or not they involve changes of name should be reported to the Board.

Effective date: immediate

B.B. Alexander
Chairman

APPENDIX 'B-5'

POLICY STATEMENT – 016/81-12-02

Item: Issuance of a summons.

Objective: To clarify Board policy in respect to the issuance of a summons under Section 12 of The Statutory Powers Procedure Act.

Policy: A request for a summons should set out:

- (a) the name and address of the person making the request;
- (b) the application for which the summons is requested;
- (c) the name and address of the person to be served with the summons, their connection with the application and the reason why the subpoena is required; and
- (d) a list of the records, books or documents to be produced by the person to be served and the statute under which the hearing is proceeding, i.e., The Public Commercial Vehicles Act, The Ontario Highway Transport Board Act or The Motor Vehicle Transport Act.

The request should be:

- (1) accompanied by Board fee of \$5.00 payable to "The Treasurer of Ontario"; and
- (2) received by the Board at least 24 hours prior to the time at which it is required.

A summons must be served personally on the person summoned who shall be paid fees for his attendance similar to those paid a witness summoned to attend before the Supreme Court (Section 12(2) of The Statutory Powers Procedure Act).

Effective date: immediate

B.B. Alexander
Chairman

APPENDIX 'C-1'

O.I.C. POLICY STATEMENT P.C.V.A. (GENERAL)

OC #: 2105/79

Certification Date: 18th, July, 1979

Gazette Date: 11th, August, 1979

(Pursuant to **The Public Commercial Vehicles Act**, R.S.O. 1980, c.407 and amendments thereto)

... The Honourable the Minister of Transportation and Communications recommends that the Ontario Highway Transport Board, in determining questions of public necessity and convenience, take into consideration the need for an efficient and viable transportation industry which, given the characteristics of the suppliers and the nature of the market to be served, will:

1. support Ontario's general economic productivity;
2. use capital, equipment and manpower resources efficiently;
3. promote the efficient use of energy and minimize empty movements;
4. be responsive to existing market demand and changes thereto in terms both of the level and type of service;
5. offer service at the lowest cost in the long run;
6. be characterized by effective competition both within the trucking industry and between the trucking industry and other modes;
7. be innovative in service levels, equipment design and utilization, administration and freight-handling procedures;
8. take advantage, where possible, of intra-modal and inter-modal co-ordination; and
9. be provided by an appropriate mixture of small, medium and large operators.

APPENDIX 'C-2'

O.I.C. POLICY STATEMENT P.C.V.A. (CARTAGE)

O.C. #: 2104/79

Certification Date: 18th, July, 1979

Gazette Date: 11th, August, 1979

(Pursuant to The Public Commercial Vehicles Act, R.S.O. 1980, c.407 and amendments thereto)

... The Honourable the Minister of Transportation and Communications therefore recommends that the following be taken into consideration by the Ontario Highway Transport Board when determining questions of public necessity and convenience in relation to determining whether to recommend the designation of a commercial cartage zone:

1. the extent to which a single local community of economic interest exists throughout the area under consideration for inclusion in the commercial cartage zone;
2. the extent of economic interaction among the businesses and industries located within the commercial cartage zone under consideration;
3. the patterns of existing and predicted demand for local and line-haul trucking services;
4. the present availability of both local and line-haul trucking services to shippers; and
5. the impact of the creation of a commercial cartage zone upon existing local and line-haul carriers.

APPENDIX 'C-3'

O.I.C. POLICY STATEMENT – P.C.V.A. (CLASS W)

O.C. #: 114/80

Certification Date: 23rd, January, 1980

Gazette Date: 16th, February, 1980

(Pursuant to The Public Commercial Vehicles Act, R.S.O. 1980, c.407 and amendments thereto)

... The Honourable the Minister of Transportation and Communications therefore recommends that, in addition to the considerations set out in Order-in-Council numbered OC-2105/79, the following matters be taken into consideration by the Ontario Highway Transport Board when determining questions of public necessity and convenience in relation to applications for Class 'W' public commercial vehicle operating licences for the transportation of logs, timber, rough or dressed lumber, laminated lumber, laminated wood blocks, wooden ties and poles, plywood, particle board, waferboard, fibrewood, veneer, bark, woodchips, shavings, sawdust and wood flour.

1. The needs of shippers supporting the application and the ability of the applicant to provide a safe and efficient transportation service shall be given primary consideration..
2. Evidence of a licensed carrier opposing an application shall be given weight relative to the extent to which such carrier currently transports Class 'W' commodities from the region in respect of which the application is made and the extent to which his transportation service to the public would be adversely affected by the granting of the licence to the applicant.
3. Where the applicant is a licensed carrier, evidence that a Class 'W' licence would result in better utilization of the applicant's equipment moving from the regions for which the application is made shall be considered.
4. Evidence of public necessity and convenience in respect of one or more commodities shall be considered as support for the granting of the total list of commodities for which a Class 'W' licence may be issued.

APPENDIX 'C4'

O.I.C. POLICY STATEMENT P.V.A. (GENERAL)

O.C. #: 3005/78

Certification Date: 18th, October, 1978

Gazette Date: 11th, November, 1978

(Pursuant to The Public Vehicles Act, R.S.O. 1980, c.425 and amendments thereto)

... The Honourable the Minister of Transportation and Communications recommends that the following be taken into consideration by the Ontario Highway Transport Board when determining questions of public necessity and convenience:

1. The availability of an efficient inter-urban bus passenger and associated express freight service, reflecting public demand and the integration of such service with all other passenger transportation systems in Ontario;
2. The need for competition to ensure the best service at the lowest cost to the public, while having regard to the economic impact on the licensed carriers;
3. The ability and willingness of the applicant to provide service for which there is public demand, combining, as appropriate to the market to be served, marginal or sub-marginal and profitable services;
4. The suitability of the applicant's proposed scale and style of operations in the market to be served.

APPENDIX 'C-5'

O.I.C. POLICY STATEMENT P.V.A. (AIRPORT)

O.C. #: 976/79

Certification Date: 4th, April, 1979

Gazette Date: 5th, May, 1979

(Pursuant to The Public Vehicles Act, R.S.O. 1980, c.425 and amendments thereto)

... The Honourable the Minister of Transportation and Communications therefore recommends that the following be taken into consideration by the Ontario Highway Transport Board when determining questions of public necessity and convenience in relation to ground transportation services involving Toronto International Airport:

1. Convenient, low cost inter-urban ground transportation services to and from communities served by Toronto International Airport.
2. Compatibility of services licensed under The Public Vehicles Act with the requirements for ground transportation services at the Airport as expressed by the Airport administration, taking into account motor vehicles serving the Airport under the authority of permits issued by the Airport Manager.

APPENDIX 'C-6'

O.I.C. POLICY STATEMENT P.V.A. (CHARTER TRIPS)

O.C. #: 1835/81

Certification Date: 26th, June, 1981

Gazette Date: 18th, July, 1981

(Pursuant to The Public Vehicles Act, R.S.O. 1980, c.425 and amendments thereto)

... The Honourable the Minister of Transportation and Communications therefore recommends that the following be taken into consideration by the Ontario Highway Transport Board when determining questions of public necessity and convenience in relation to charter trips:

'Evidence that public necessity and convenience warrant the issue of a licence to operate a public vehicle on charter trips for which one fare or charge only is paid for the chartering of the bus constitutes such evidence with respect to charter trips for which a fare is paid by each passenger, which fare includes a charge for accommodation, meals or tickets of admission, unless there is substantial evidence to the contrary.'

Recommended _____
Minister of Transportation
and Communications

Concurred _____
Chairman

Approved and Ordered June 26, 1981

Lieutenant Governor

APPENDIX 'D-1'

THE ONTARIO HIGHWAY TRANSPORT BOARD

REVENUE

for the period January 1, 1981 to December 31, 1981

Application Fees	\$114,805.00
Court Costs	52,252.00
Leases	14,950.00
Tariffs (including copies)	68,991.00
Credits and U.S. Exchange	1,240.06
Miscellaneous	8,560.25
Gross Revenue	<hr/> \$260,798.31
Refunds and N.S.F. Cheques	- 5,505.14
Net Revenue	<hr/> <hr/> \$255,293.17

APPENDIX 'D-2'

THE ONTARIO HIGHWAY TRANSPORT BOARD

APPLICATIONS PROCESSED

for the period January 1, 1981 to December 31, 1981

CLASS	TOTAL	GRANTED	DENIED
The Public Commercial Vehicles Act:			
A	45	42	3
C	15	15	—
D	382	357	25
E	8	7	1
F	32	29	3
FF	1	1	—
FS	12	10	2
H	30	28	2
K	14	13	1
L	30	29	1
R	558	435	123
T	38	36	2
W	7	—	7
SUB TOTAL	<u>1172</u>	<u>1002</u>	<u>170</u>

The Public Vehicles Act:

PV	97	88	9
PV (SB)	83	82	1
SUB TOTAL	<u>1352</u>	<u>1172</u>	<u>180</u>

The Motor Vehicle Transport Act:

Goods	451	423	28
Freight Forwarders	3	3	—
Passengers	54	52	2
TOTAL	<u>1860</u>	<u>1650</u>	<u>210</u>

	Jan.	Feb.	Mar.	Apr.	May	Jun.	Jul.	Aug.	Sept.	Oct.	Nov.	Dec.	Total
Public Vehicle Tariffs	32	23	40	31	36	46	15	17	7	10	16	21	294
Leases	18	40	24	35	64	71	74	25	49	53	35	42	530
Reasons for Decision	9	9	17	23	21	10	14	16	13	12	25	28	197
Applications Withdrawn	36	60	43	31	54	48	25	9	24	50	58	52	490

THE ONTARIO HIGHWAY TRANSPORT BOARD
BOARD DECISIONS AFTER PUBLIC HEARING
for the Year 1981

CLASS	TEMPORARIES/INTERIMS				LICENCE APPLICATIONS						TRANSFERS		
	Applications	Denied	Granted		Applications	Denied	Granted	No. of cases opposed	% opposed	No. of Respondents	Average No. of Respondents	Shares	Licence
A	-	-	-		34	3	31	18	53%	113	6	-	2
C	-	-	-		10	-	10	5	50%	8	2	2	4
D	-	-	-		180	24	156	98	54%	267	3	-	2
E	-	-	-		2	1	1	2	100%	4	2	-	-
F	-	-	-		12	3	9	5	42%	30	6	-	-
FF	-	-	-		1	-	1	-	-%	-	-	-	-
FS	-	-	-		7	2	5	4	57%	19	5	-	-
H	-	-	-		22	2	20	16	73%	52	3	-	-
K	-	-	-		12	1	11	7	58%	26	8	-	-
L	-	-	-		6	1	5	-	-%	-	-	-	-
R	-	-	-		478	121	357	32	7%	32	1	-	6
T	-	-	-		21	2	19	9	43%	25	3	-	-
W	-	-	-		7	-	7	7	100%	31	4	-	-
SUB TOTAL	-	-	-		792	160	632	203	26%	607	3	2	14
PV	-	-	-		49	9	40	30	61%	101	3	1	1
PVS	-	-	-		14	1	13	3	21%	5	2	-	-
SUB TOTAL	-	-	-		855	170	685	236	28%	713	3	3	15
PCVX	-	-	-		231	27	204	105	45%	396	8	1	3
FFX	-	-	-		1	-	1	1	100%	8	8	-	-
PVX	-	-	-		19	2	17	16	84%	43	3	-	-
TOTAL	-	-	-		1,106	199	907	358	32%	1,160	3	4	18

APPENDIX 'D-4'

THE ONTARIO HIGHWAY TRANSPORT BOARD
BOARD DECISIONS WITHOUT PUBLIC HEARING
for the Year 1981

CLASS	TEMPORARIES/INTERIMS			LICENCE APPLICATIONS			TRANSFERS		
	Applications	Denied	Granted	Applications	Denied	Granted	Applications	Shares	Licences
A	54	3	51	11	—	11	15	2	13
C	20	—	20	5	—	5	11	1	10
D	152	71	81	202	1	201	64	7	57
E	2	—	2	6	—	6	9	1	8
F	15	3	12	20	—	20	17	—	17
FF	—	—	—	—	—	—	—	—	—
FS	5	3	2	5	—	5	16	—	16
H	2	2	—	8	—	8	3	—	3
K	7	2	5	2	—	2	5	—	5
L	2	—	2	24	—	24	—	—	—
R	202	95	107	80	2	78	172	1	171
T	11	1	10	17	—	17	9	6	3
W	—	—	—	—	—	—	2	—	2
SUB TOTAL	472	180	292	380	3	377	323	18	305
PV	64	11	53	48	—	48	24	3	21
PVS	38	2	36	69	—	69	57	—	57
SUB TOTAL	574	193	381	497	3	494	404	21	383
PCVX	184	82	102	220	1	219	63	24	39
FFX	—	—	—	2	—	2	—	—	—
PVX	3	2	1	35	—	35	5	1	4
TOTAL	761	277	484	754	4	750	472	46	426

THE ONTARIO HIGHWAY TRANSPORT BOARD
OUT OF TOWN AND JOINT PROVINCIAL HEARINGS
held during the period January 1, 1981 to December 31, 1981

Month	Location	Applications	'R' Licence	Applications Heard 'W' Licence	Others	Adjourned	Granted	Denied	Withdrawn
January	Halton Hills	5	-	-	5	-	5	-	-
	Hamilton	1	-	-	1	-	1	-	-
	London	8	-	-	8	1	6	-	1
	Saskatchewan	1	-	-	1	-	1	-	-
	Sudbury	4	-	-	4	-	2	1	1
	Kitchener	1	-	-	1	-	1	-	-
	Windsor	3	-	-	3	1	1	-	1
	Sarnia	2	-	-	2	2	-	-	-
February	Thunder Bay	5	-	-	5	1	1	3	-
	Timmins	8	-	-	8	2	6	-	-
	St. Catharines	7	7	-	-	-	5	2	-
	Montreal	1	-	-	1	-	1	-	-
	Kitchener	9	9	-	-	1	8	-	-
	London	7	7	-	-	-	5	2	-
	Windsor	7	7	-	-	1	3	2	1
	Peterborough	9	8	-	1	-	7	-	2
March	Kingston	3	3	-	-	-	2	1	-
	Ottawa	23	23	-	-	2	13	6	2
	Welland	2	-	-	2	-	2	-	-
	Gananoque	1	-	-	1	-	-	-	1
	Belleville	2	-	-	2	-	2	-	-
	Sault Ste. Marie	10	5	-	5	-	8	2	-
	Sudbury	32	30	-	2	1	30	-	1
	Timmins	9	5	-	-	-	9	-	-
	Kapuskasing	8	6	-	2	-	7	1	-
	Fort Frances	1	1	-	-	-	1	-	-
	Dryden	5	5	-	-	-	5	-	-
	Thunder Bay	11	7	-	4	-	9	2	-

APPENDIX 'D-5'

THE ONTARIO HIGHWAY TRANSPORT BOARD OUT OF TOWN AND JOINT PROVINCIAL HEARINGS held during the period January 1, 1981 to December 31, 1981

Month	Location	Applications	Applications Heard			Others	Adjourned	Granted	Denied	Withdrawn
			'R' Licence	'W' Licence						
April	North Bay	2	—	—	2	—	1	—	—	1
	Whitby	3	—	—	3	—	3	—	—	—
	Shelburne	2	—	—	2	—	1	1	—	—
	Sarnia	2	—	—	2	—	2	—	—	—
	Ottawa	10	—	—	10	1	6	1	—	2
May	Kitchener	5	3	—	2	1	4	—	—	—
	London	9	2	—	7	2	4	3	—	—
	Burlington	1	—	—	1	—	1	—	—	—
	Hamilton	1	—	—	1	—	1	—	—	—
	Thunder Bay	1	—	—	1	—	1	—	—	—
June	Ottawa	2	JOINT HEARING			2	—	1	—	1
	Sudbury	2	—	—	2	—	1	1	—	—
	Thunder Bay	15	13	—	2	1	10	3	—	1
	North Bay	1	—	—	1	—	—	1	—	—
	Dryden	10	10	—	—	—	9	1	—	—
	Fort Frances	2	—	—	2	—	1	—	—	1
	Sudbury	31	27	—	4	—	24	2	—	5
	Kapuskasing	10	7	—	3	1	8	—	—	1
	Timmins	9	9	—	—	—	8	1	—	—
	Ottawa	37	30	—	7	8	14	10	—	5
July	Sault Ste. Marie	3	2	—	1	1	2	—	—	—
	Welland	2	—	—	2	—	—	—	—	2

THE ONTARIO HIGHWAY TRANSPORT BOARD
OUT OF TOWN AND JOINT PROVINCIAL HEARINGS
held during the period January 1, 1981 to December 31, 1981

Month	Location	Applications Heard							Granted	Denied	Withdrawn
		Applications	'R' Licence	'W' Licence	Others	Adjourned	Granted	Denied			
August	Simcoe	1	-	-	1	-	-	-	1	-	-
	L'Orignal	4	-	-	4	-	4	-	-	-	-
	Whitby	1	-	-	1	-	-	1	-	-	-
	Woodstock	2	-	-	2	-	2	-	-	-	-
	Welland	3	-	-	3	-	-	3	-	-	-
	Hamilton	1	-	-	1	-	-	-	-	-	-
	Timmins	2	-	-	2	1	1	-	1	-	-
	Kitchener	1	1	-	-	1	-	-	-	-	-
	Thunder Bay	2	-	-	2	-	-	2	-	-	-
	Sault Ste. Marie	1	-	-	1	-	-	1	-	-	-
September	Winnipeg	2	-	-	2	-	1	-	1	-	-
	Thunder Bay	6	5	-	1	-	3	2	1	-	-
	Dryden	12	12	-	-	-	12	-	-	-	-
	Fort Frances	9	9	-	-	-	7	1	1	-	-
	Sudbury	19	16	-	3	1	13	2	3	-	-
	Timmins	4	4	-	-	-	2	1	1	-	-
	Kapuskasing	9	6	-	3	-	9	-	-	-	-
	Kitchener	10	7	-	3	1	5	4	-	-	-
	London	27	13	-	14	3	16	7	1	-	-
	Thunder Bay	1	-	-	1	-	1	-	-	-	-
October	Windsor	5	3	-	2	-	2	1	2	-	-
	Sarnia	2	-	-	2	-	2	-	-	-	-
	Montreal	1	-	-	1	-	1	-	-	-	-
	Ottawa	36	21	-	15	7	14	9	6	-	-
November	London	1	-	-	1	1	-	-	-	-	-
	Simcoe	1	-	-	1	-	1	-	-	-	-

APPENDIX 'D-5'

THE ONTARIO HIGHWAY TRANSPORT BOARD

OUT OF TOWN AND JOINT PROVINCIAL HEARINGS

held during the period January 1, 1981 to December 31, 1981

Month	Location	Applications	Applications Heard				Granted	Denied	Withdrawn
			'R' Licence	'W' Licence	Others	Adjourned			
November cont'd	Niagara Falls	3	-	-	3	2	1	-	-
	Midland	1	-	-	1	1	-	-	-
December	Kitchener	2	-	-	2	-	2	-	-
	North Bay	2	-	-	2	-	1	-	1
TOTAL		516	327	-	189	45	343	80	48

APPENDIX 'D-6'

THE ONTARIO HIGHWAY TRANSPORT BOARD

APPLICATIONS RECEIVED

January 1, 1981 to December 31, 1981

CLASS

Public Commercial Vehicles Act

A	152
C	60
D	683
E	16
F	67
FF	8
FS	38
H	55
K	30
L	6
R	874
T	68
W	30
Y	6
	<u>2093</u>

Public Vehicles Act

PV	243
PVS	185
	<u>428</u>

Motor Vehicle Transport Act (Canada)

	<u>988</u>
Total No. of Applications	<u>3509</u>
Total No. of Leases	598
Public Vehicle Tariffs referred	279

APPENDIX 'E'

1981 REPORT ON CLASS 'R' HEARINGS

In accordance with the Board's policy on Class 'R' matters Class 'R' hearings were conducted throughout the province from February 23 to April 2, 1981. 184 applications were dealt with. 136 applications were granted authorizing an additional 218 vehicles.

A number of written reasons were issued in matters where applications were denied or substantially reduced. In determining public necessity and convenience the major issues were applicants' fitness, stability of the 'R' industry, supply and demand, competition, appropriate mix of large and small carriers, safety, energy, dormancy and rates.

We wish to thank everyone who participated and particularly;

- (a) The Ministry of Transportation and Communications and its representatives who provided statistics, and definitive information as to the Ministry's experience in 1980 and future requirements.
- (b) Mr. D.M. Hopper of Ministry of Transportation and Communications for his explanation of how the M.T.C. minimum rate is established and utilized.
- (c) The Ontario Aggregate Carriers Association; their brief and accompanying financial statements revealed the very difficult times many aggregate carriers experienced in 1980.
- (d) The Greater Ottawa Trucking Association. Although urging the Board to limit new authorities in Region 4 their brief was of very helpful and positive nature. Their suggestion that the Board quantify future needs to the point an applicants fitness would be the only entry test is not practical at this time but is certainly an ultimate future goal.
- (e) The Greater Northern Ontario Trucking Association for its rate information and estimate of the years requirements. To have a trucking association recommend a certain quantity of additional trucks is a very positive step and most helpful.

We were disappointed that the Ontario Aggregate Producers Association did not present any brief or provide any forecast information for 1981.

Several large aggregate producers supported various applications, however, their principle theme "there is always a need for more trucks" was neither very helpful nor, in our view, entirely accurate.

Considering all the evidence presented it is clear the industry will not support all the fit and willing persons who would like to become licensed Class 'R' operators.

We hope the following report and recommendations will be helpful in maintaining a stable Class 'R' industry providing a high level of service at competitive rates.

Regions are listed in order of work potential as we see it.

Region 6

Demand for vehicles is high and should continue into 1982. New highway construction, expansion of the forest industry, particularly in the area of Dryden, and Ontario Hydro at Atikokan, may all require additional trucks in 1981. The Board hopes to deal with requirements on a permanent basis but will issue temporary authority if necessary.

Region 5

Prospects for Class 'R' work are good, due partly to acceleration of highway construction to service the mining industry. The Board has issued a substantial number of new authorities in this region. We do not anticipate any need for temporary authorities.

Region 2

During 1980 work was very spotty. Many carriers suffered substantial losses. Over 600 authorized vehicles were dormant, i.e. were not licensed from April 1, 1980 to January 1, 1981.

Work prospects are better for 1981 but in our view not to the extent additional vehicles will be required before September unless there is a reduction in interest rates and a major increase in housing starts.

Region 3

We see little demand for additional vehicles in this region. If demand occurs toward fall it will probably be in the Sarnia area.

Region 4

1980 was a poor year for Class 'R' operators in this region. Problems will continue into 1981. We foresee little demand for additional vehicles.

We make the following recommendations:

- (1) Class 'R' applicants be advised by every possible means not to buy a truck before acquiring the necessary Class 'R' authority.
- (2) Steps be taken to reduce dormant authorities. We respectfully suggest authorities that are not fully utilized for a given 2 year period such as January 1, 1980 to January 1, 1982 be revoked and new authority issued for the greatest number of vehicles beneficially owned and licensed during that period.
- (3) Field investigations be conducted to determine service levels being provided by the Class 'R' carriers to major aggregate producers.
- (4) Class 'R' applications be grouped by the Board and heard at times suitable to meet current needs. Although grouping may result in slight delays in hearing some applications we believe the benefits to the public far outweigh any individual delay. The advantages are:
 - (a) Shippers may support several applicants with one appearance and respondents may oppose.

- (b) The Board will hear a broad cross section of evidence enabling it to adequately meet current needs.
- (c) Reduced hearing costs.

G.J. Norton
Vice Chairman

April 14, 1981

E.J. Canning
Member



Ontario Highway Transport Board
ANNUAL REPORT
1982

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ANNUAL REPORT
OF
THE ONTARIO HIGHWAY TRANSPORT BOARD
for the year ending December 31, 1982

ANNUAL REPORT
OF
THE ONTARIO HIGHWAY TRANSPORT BOARD
for the year ending December 31, 1982

The Ontario Highway Transport Board, pursuant to Section 8 of the Ontario Highway Transport Board Act, R.S.O. 1980, Chapter 316, begs leave to submit its twenty-seventh Annual Report upon its affairs to the Honourable the Minister of Transportation and Communications for the calendar year 1982.

Members of the Board:

B.B. Alexander, Q.C.	Chairman
G.C. Marrs	Vice-Chairman
G.J. Norton	Vice-Chairman
J.A. Wardrop	Member
A.A. Landry	Member
J.M. Duncan	Member
R.D. Sloan	Member
E.J. Canning	Member
C.F. Bark	Member
M.H. Shecter	Member

TO: The Honourable James Snow
Minister of Transportation and
Communications

Sir:

I have the honour to present the report of the activities
of The Ontario Highway Transport Board for the
calendar year ending on December 31, 1982.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Bruce B. Alexander". The signature is fluid and cursive, with a large initial "B" and a long, sweeping underline.

Bruce B. Alexander, Q.C.
Chairman

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1982 ANNUAL REPORT OF THE BOARD

MANAGEMENT PROCESS

The Board is pleased to announce the appointment of Board members, Robert D. Sloan and Max H. Shecter to the Ontario Telephone Service Commission. Both parties will function as sitting members of the two agencies, in addition Mr. Sloan was designated Vice-Chairman of the Ontario Telephone Service Commission. These appointments which are effective January 1, 1983 are in accord with the expressed desire of the Executive Council for a closer working relationship and sharing of expertise between the Transport Board and the Telephone Service Commission.

Staff Training and Development

The Board conducted seminars for female staff in respect to:

- The Affirmative Action Program
- Career Life Planning

The Board sponsored in-house French language training classes. Staff enthusiasm and participation has been high.

The Chairman and several staff members attended government sponsored courses on computer concepts and micro computer machine operation.

Administration

Continued efforts are being made to improve internal efficiency and to upgrade the level of service to the public.

Automation

The Board is continuing to modernize its operation and has acquired a computer terminal to provide access to the Ministry of Transportation and Communications vehicle registration records, and other data stored in the main computer, located at Downsview, Ontario.

PUBLIC INFORMATION PROGRAM

As part of the Board's program to make its workings better known to the public, the Chairman and Managing Director, on a regularly scheduled basis, speak to students enrolled in transportation related courses at the George Brown and Sheridan Colleges of Applied Arts & Technologies. During the Board's presentation the students are introduced to economic regulation in the transportation industry. The histories of The Public Vehicles Act and The Public Commercial Vehicles Act are traced and the mandate and procedures of the Board are explained. The students participate in the presentations and questions are encouraged.

Through the Chairman and Managing Director, the Board participates in staff development programs, sponsored by the Ministry of Transportation and Communications, which are designed to provide middle management level staff with a broader understanding of the Ministry, how it functions within, and impacts on, the government of Ontario. In informal group sessions the Board representatives and Ministry staff discuss current and future transportation issues.

On February 2, 1982 the Chairman and the Managing Director made a presentation on the Board's role and activities to a large number of MTC staff at a lunchtime "Know Your Ministry" session at the Ministry offices at Downsview. The presentation was well received, as evidenced by the interest shown and questions asked by staff.

The Board has published a booklet on the application process, wording and procedure, which is of value to prospective applicants. Publications now available are:

"An Introduction to the Ontario Highway Transport Board"

"How to Apply for a Class "H" P.C.V. Licence"

"How to Apply for a Class "R" P.C.V. Licence"

"The Application Process — Guidelines"

Copies of these booklets may be picked up free of charge at the Board's offices, 151 Bloor Street West, Toronto, Ontario. For additional information contact the Office of Proceedings, (416) 965-1845.

POLICY DEVELOPMENT AND HEARINGS PROCEDURE

Public Hearings

Following Board practice special Class "R" hearings were held in major urban centres throughout the province to obtain data and information in connection with the available supply of dump vehicles and the anticipated demand for their services.

The hearings were held, as follows:

March 1	— St. Catharines
March 2	— Kitchener
March 3	— London
March 8, 9 & 10	— Toronto
March 15	— Peterborough
March 16	— Kingston
March 17	— Ottawa
March 29	— Dryden
March 30	— Fort Frances
March 31	— Thunder Bay
April 1	— Sault Ste. Marie
April 5	— Sudbury
April 6	— Timmins
April 7	— Kapuskasing
April 13	— Toronto

Based on evidence presented at the hearings, the Board issued a report which touched on such matters as dormancy in operating licences, the impact of high interest rates on the construction industry in general and the housing construction segment in particular, and the strong competition for work in all areas which has produced highly competitive rates. Included also was reference to a report on field investigations conducted for the Board by the consulting firm of Proctor & Redfern Limited, during the months of August, September and October 1981 which indicated that there was an adequate number of trucks available at all construction sites surveyed and that the health of the industry, at that point, appeared good.

The Class "R" report noted that the recession in the forest industry had resulted in truckers normally employed in hauling forest products looking for Class "R" work in northern and north western Ontario. Many of these truckers were licensed to haul Class "R" commodities.

The Board concluded that there was currently an adequate supply of Class "R" vehicles in all licence regions.

The 1982 Report on Class "R" Hearings is appended hereto (Appendix 'E').

The Board is flexible and able to adjust its schedules to accommodate industry contingencies. Time constraints on the construction of the extension to the Trans-Canada pipeline, between North Bay and Morrisburg required that a large number of vehicles, licensed for regions 4 and 5, be available within a very short period to complete this work. To meet the demand for additional authorities and temporary extensions, the Board scheduled a special session of hearings at North Bay, on Saturday and Sunday, June 19th and 20th, 1982. During this two day session the Board dealt with 81 applications.

Probationary Licence Hearings

The Board has dealt with almost all of the 123 applications for probationary licences.

Total Applications	—	123
Certificates granted	—	38
Applications denied	—	17
Applications withdrawn	—	45
Applications dismissed	—	10
Applications in process	—	13

CANADIAN CONFERENCE OF MOTOR TRANSPORT ADMINISTRATORS

The Board continues to participate in the working groups of CCMTA in particular those involving (1) Legislation, Regulations & Procedures, and (2) Policy Issues. Within the framework of the first named group our contribution has been in the preparation of rules and procedures designed to expedite the application and hearing process by establishing uniformity of process within each provincial jurisdiction. The proposals are now in the hands of each jurisdiction and other interested groups and we are awaiting formal responses prior to formalizing the procedures submitted.

The amendments to the Motor Vehicle Transport Act (Canada) are being reviewed by Transport Canada and we remain hopeful that we will see at least the majority of the submissions accepted for legislative processing. In the meantime jurisdictions continue to act on behalf of each other with respect to "out of jurisdiction" service of summons etc., and with the attendant cost the MVT Act proposed amendment with respect to "out of jurisdiction" service by registered mail assumes greater importance given the constraints in effect in each province.

BOARD SEMINARS AND COURSES

Board seminars were held at the Eaton Hall Management Development Centre, Seneca College of Applied Art & Technology, on May 10th and 11th, and on October 14th and 15th.

Ministry of Transportation and Communications officials attended at these seminars and discussed with the Board such matters as the P.C.V. Act Review Committee and the Administered Prices Restraint Program.

TRANSPORTATION POLICY

Commercial Motor Vehicle Lease

Effective July 1, 1982, the Board discontinued making recommendations to the Minister of Transportation and Communications in respect to the approval of a lease for a commercial motor vehicle.

A process was implemented by the Ministry whereby any holder of an operating licence wishing to lease a commercial motor vehicle would, after July 1, 1982, make application to the Highway Carrier Licensing Office.

Details of the process are set out in the Board's policy statement No. 017/82-06-22.

Intercorporate Trucking

On February 15, 1982 Ontario amended its legislation to permit intercorporate private trucking within the province. The change enables a corporation to apply to the Minister of Transportation and Communications for a certificate of intercorporate exemption allowing it and its affiliates to transport each others' goods for compensation without an operating licence.

There is a registration fee on original application for a certificate of intercorporate exemption of \$100.00 and a \$10.00 fee for making an addition to a certificate.

The common level of ownership required for intercorporate exemption is 90 percent. This percentage of ownership is lower than the 100 percent ownership requirement in the U.S. and applies equally to U.S. firms as well as Canadian entities.

Since its introduction 65 certificates of intercorporate exemption have been issued. Of the 65 corporations that have applied 19 are U.S. based and involve 85 subsidiaries. The other 46 are Canadian and represent 165 subsidiaries.

Administered Prices Restraint Program

Bill 179, an Act respecting the Restraint of Compensation in the Public Sector of Ontario and the Monitoring of Inflationary Conditions in the Economy of the Province, received third reading in the Legislature on December 15, 1982.

The provisions of the Act apply, among other things, to public vehicle tariffs. Basically, the Restraint Program restricts the pass through of increases for salaries and wages and for profits to a maximum of 5%. All other increases in cost (e.g. fuel, tires, etc.) may be fully passed through in tariff hearings.

At the present time the Minister of Transportation and Communications refers applications for new or revised public vehicle tariffs to the Board for hearing and report. The only public vehicle movements exempt from this requirement are:

- a.m./p.m. school bus trips
- charter trips

The administered Prices Restraint Program has a duration of 15 months, from September 21, 1982 to December 31, 1983. The compliance period for P.V. carriers is 12 months starting from the first effective price increase in the program period.

Class 'Y' Licence

American for-hire carriers have been able to operate through Ontario for a number of years under the terms of a Class 'L' operating licence. This licence is issued for the in-transit move of goods in bond between the U.S. States of Michigan and New York. The licensee is required to purchase a trip permit for each trip across the province. The permit currently costs \$20.00 and exempts the commercial motor vehicle for which it is issued from Ontario's registration fees, operating licence requirements and Ontario's fuel tax program, however, it does restrict movements to between specific boundary points and over selected routes.

As a result of Ontario having negotiated bilateral registration reciprocity agreements with 32 U.S. jurisdictions, including Michigan and New York, the need for the 'L' Class permit as a means of exempting U.S. carriers from Ontario's registration requirement has gradually lessened, however, the need for a permit to cover operating licence requirements has remained the same. By publication in the Ontario Gazette of O. Reg. 778/81 pursuant to the P.C.V. Act on December 5,

1981, the Honourable James Snow, Minister of Transportation and Communications implemented a new class of licence for goods moving in bond through Ontario between New York and Michigan. The Class 'Y' licence allows the licensee unlimited operations of a commercial motor vehicle, between the same boundary points and over the same routes as the Class "L" permit on payment of a \$50.00 annual fee for each vehicle listed under the Class 'Y' licence.

Carriers based in a jurisdiction which does not have a vehicle registration reciprocity agreement with Ontario are required to purchase Ontario registration for each vehicle listed.

P.C.V. Act Review Committee

Since its inauguration on June 9, 1981, the P.C.V. Act Review Committee has pursued a busy schedule, meeting on the average of twice a month. In the early part of the year the committee began to come to grips with its main mandate: to develop and recommend principles for trucking regulation in the 80's and 90's. During this period the Committee sought to obtain the views, concerns and outlooks of people in the trucking and manufacturing industries, the academics and from government itself.

From January through to April the Committee heard more than 100 presentations from individuals and in addition spoke to a number of groups outside the committee. Presentations to the Committee can be categorized, as follows:

- Manufacturing and retail trends and outlooks.
- General freight carrier outlooks.
- Bulk movement industry (shippers and carriers outlooks).
- Intermediary and private carrier outlooks.
- Household goods carriers outlooks.
- Government and academic views.
- Small business outlooks.
- Labour and small parcel carriers outlooks.

By mid-April the Committee had reached a point where it was in a position to further develop and refine principles and to consider some of the more specific implications of the new principles.

The principles on which there is general agreement within the Committee are:

- Government has an appropriate role in regulation of trucking, but not in direct participation in the industry.
- The effect of the PCV Act should be to regulate all "for-hire" carriage through a licensing mechanism. The outcome should be to maintain the quality of competition and an effective market for trucking services.
- There should be no undue advantage to either private carriers or for-hire carriers in the public duties and responsibilities created by the Act.
- The Act should create a system which can be enforced and with effective deterrents to non-compliance.
- The test of "public necessity and convenience" should be replaced by a more objective test of entry.
- A "fitness" test should be developed with at least two main components
 - operational component (including safety)
 - financial component
- The classes of carriage and specifications of authority should be simplified, allowing greater latitude of operation.

- The Transport Tribunal (Board) should be structured to reduce the need for public hearings.
- The present system of rate filing is unsatisfactory.
- Overlapping and multiple-tier licensing is unsatisfactory.
- The regulatory mechanisms must be practical and the transitions and adjustments required must be realistic.

Matters of principle on which there is not yet a Committee consensus, include the following:

- What kind of fitness test, if any, should there be in the entry test.
- Should a "Commercial Vehicle Operator Registration" be devised to control the performance of carrier duties.
- Are petitions to Cabinet an appropriate avenue to modify individual decisions of the Transport tribunal.

On November 19th, 1982 the Honourable James Snow, Minister of Transportation and Communications released copies of the Committee's interim report, titled "Discussion Paper on Responsible Trucking". Since its release the discussion paper has elicited wide comment and feedback which the Committee will consider in preparing its final report to the Minister, which is expected some time in April 1983.

International Trucking Problems

The introduction of the U.S. Motor Carrier Act in July 1980 greatly eased the requirements for entry into the for-hire trucking industry in the United States. Many Canadian carriers who had previously applied for operating authorities and had not been successful reapplied for similar authorities. In addition, there were other carriers who perhaps sensed an opportunity to expand the scope of their operation who also applied.

Prior to 1980, obtaining Interstate Commerce Commission operating authority was a far more difficult, costly and lengthy procedure for a Canadian applicant than obtaining authority in most Canadian provinces for a U.S. applicant. Grants of U.S. operating authority to Canadian carriers were few and far between, and where authority was granted, it was often more restricted than requested. Most international traffic was interlined, either between Canadian and U.S. carriers or between a U.S. owned Canadian based carrier and its parent. The American Trucking Association (A.T.A.) complained to the Interstate Commerce Commission that access to the U.S. market was now easier for Canadian carriers than access to Canadian markets, particularly Ontario, was for Americans. The Interstate Commerce Commission responded to the charges of discrimination by imposing an administrative moratorium on Canadian applications and initiating an investigation into the allegations of Canadian discrimination. (ex parte MC 157). During the investigation the Interstate Commerce Commission suspended proceedings on applications by Canadian carriers and refused to issue authorities to approximately 160 Canadian carriers who had already had their applications heard by the Interstate Commerce Commission.

During the course of the Interstate Commerce Commission investigations it became obvious that the ATA charges of discrimination were without substance and that the eventual Interstate Commerce Commission report would completely exonerate the Canadian regulatory authorities. Furthermore, the fear that Canadian carriers would create havoc in the U.S. were diminished when it was realized that most of the Canadian applicants appeared to be interested in conducting relatively short cross-border runs, which might cause some short term dislocations to local U.S. firms but were unlikely to decimate the U.S. trucking industry.

As a result of growing pressure in the United States for reciprocity with Canada, Congress passed legislation imposing (as part of the Bus Regulatory Reform Act) a two year moratorium on Canadian applications. The Legislation empowered the President to modify the moratorium

if he deemed it to be "in the national interest". In signing the Act into law on September 20, 1982, President Reagan determined that it was in the national interest to modify the moratorium by suspending it insofar as Canada was concerned, subject to the conditions outlined below, and directed his trade Representative, Ambassador William E. Brock to negotiate a fair and equitable resolution of the issue with Canada and report back to him within 60 days.

- (1) The moratorium for Canada is suspended insofar as necessary to permit the Interstate Commerce Commission (ICC) to grant authority to motor carriers under the appropriate sections of 49 U.S.C. subtitle 1V. This suspension is expressly conditioned upon the Commission, in making determinations on whether the proposed transportation serves a "useful public purpose" or is in the "public interest", according great weight to the national transportation policy, particularly the mandates to promote "economical and efficient transportation", and "to encourage sound economic conditions in transportation including sound economic conditions among carriers". Such determinations by the Commission shall be consistent with the directives of the United States Trade Representative concerning the international trade policy of the United States;
- (2) The moratorium in regard to Canadian applicants is further modified by suspending it to permit the ICC to issue temporary and emergency temporary authority, and to issue certificates in motor carrier merger, consolidation, and acquisition of control proceedings, and motor carrier restriction removal proceedings;
- (3) The moratorium is further modified by suspending it insofar as issuance of ICC authorities to Canadian carriers for domestic traffic in the United States under the appropriate sections of 49 U.S.C. subtitle IV is concerned. Canadian owned, controlled, or domiciled firms will be able to apply for and receive ICC authority for operations wholly within the United States.

As expected the Interstate Commerce Commission ex parte MC 157 when issued on October 18, 1982 found no evidence of discrimination on the part of Canadian regulatory authorities, it did note however that the Interstate Commerce Commission would continue to monitor the situation and would take appropriate remedial action when and if it was found to be necessary.

Agreement was reached between the U.S. Trade Representative and the Canadian Department of External Affairs which led to the lifting of the moratorium by President Reagan on November 29, 1982. It was agreed that a consultative mechanism would be put in place to resolve future problems. This mechanism is to include the Interstate Commerce Commission, the Canadian Conference of Motor Transport Administrators, the American Association of Motor Vehicle Administrators, and the Federal Departments of both governments concerned with transportation, foreign affairs, trade and other interested agencies.

Public Vehicles Act

In the process of dealing with its specific tasks the former Public Vehicles Act Review Committee identified two major problems; public highway transportation services on major provincial corridors and public highway transportation services in rural areas.

In an effort to resolve these two problems, and as a measure of his concern for the health of the industry as a whole the Honourable James Snow, Minister of Transportation and Communications formed a Bus Committee, which met for the first time on September 16, 1982. The membership list of the Committee embraces representatives from three broad areas:

Industry: A representational selection of interprovincial scheduled service carriers, regional carriers, government sponsored carriers, school bus carriers and northern Ontario carriers;

- Government:** Ministry staff and government agencies (including Transport Canada) that have direct involvement in matters surrounding bus transportation;
- Public:** A consumers group representative, a municipal government representative, and a representative of one of the major client groups for intercity bus transportation — senior citizens.

In his direction to the committee the Minister indicated that he was looking for consensus for a provincial policy direction that would support the public intercity transportation sector. He defined the issues facing the committee, as follows:

- Rural Mobility:** How can Ontario ensure that essential public highway services are maintained in small communities and rural areas?
- Bus and Rail Interaction:** How can Ontario ensure the continuance of essential long distance bus service between urban centres while at the same time pursuing intermodal bus/rail initiatives and most appropriately anticipating such proposals for the Windsor-Montreal and Ottawa-Toronto VIA RAIL high speed corridors, so as to best serve the interests of the travelling public, bus parcel express customers and the intercity bus industry.

The Minister stated that he was looking for the committee to produce a statement of some basic principles which can be used in the preparation of legislation. The Bus Committee has an anticipated life span of 16 months, commencing in September 1982 with a deadline for arriving at a set of provincial policy proposals for the two issues by December 1983. The Chairman of the Bus Committee is Mr. Mark H. Larratt-Smith, Assistant Deputy Minister, Safety and Regulation Division, Ministry of Transportation and Communications.

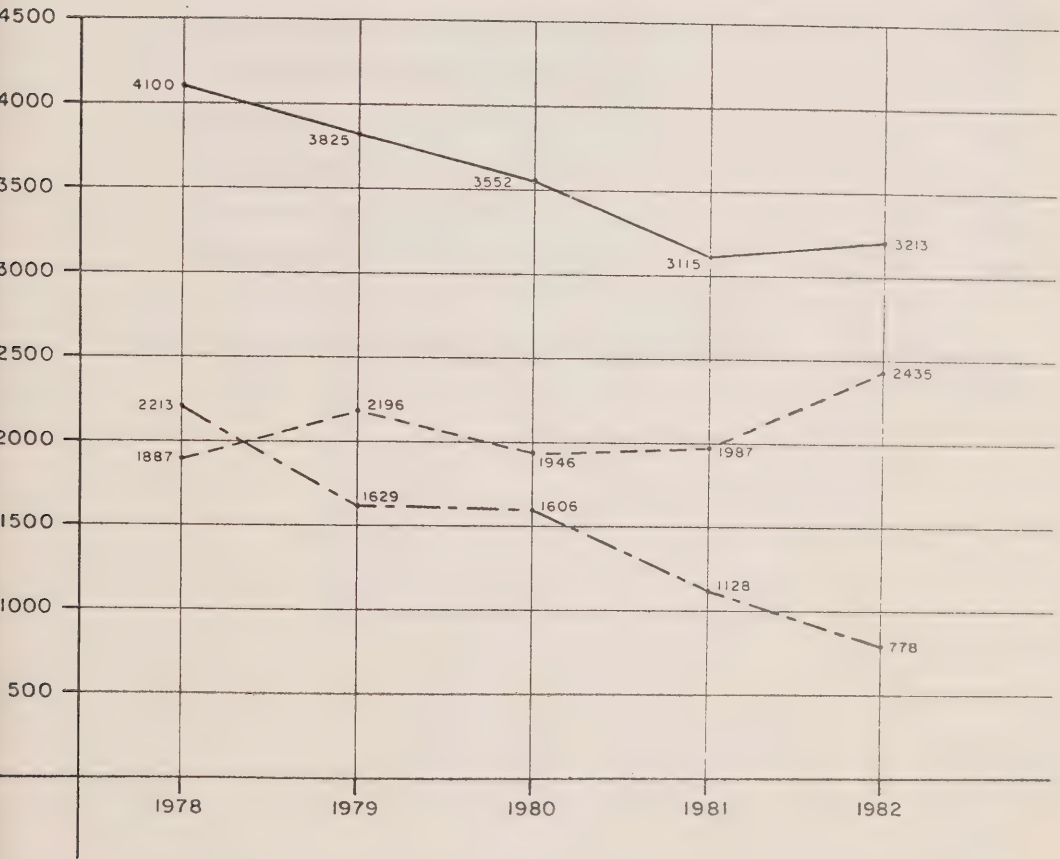
SUMMARY OF BOARD STATISTICS

During the last five years (1978-1982) the Board has concentrated on reducing the burden on the public of the time and cost of formal public hearings.

Public hearings over the five year period have dropped from 2,213 in 1978 to 778 in 1982, a reduction of approximately 65%.

During the same period the number of applications processed without public hearing rose from 1,887 in 1978 to 2,432 in 1982, an increase of approximately 29%.

With Public Hearing ————
Without Public Hearing - - - - -
Total Applications _____



The Board is able, in instances where no delays are caused by the applicants themselves, to process applications that proceed without a hearing in two months or less and those that proceed with a hearing in about four months.

1. BOARD REVENUE FOR 1982	= \$237,312.85
2. APPLICATIONS FOR PERMANENT LICENCES PROCESSED BY THE BOARD =	= 1941
1102 P.C.V. Applications = 56.78%	
166 P.V. Applications = 8.55%	
673 M.V.T.A. Applications = 34.67%	
Decisions after Public Hearing	= 708
Decisions without Public Hearing	= 1236
3. MATTERS HEARD OR DEALT WITH BY THE BOARD CONSISTED OF:	
• Applications for a permanent licence	= 1944
• Applications for a temporary or interim licence	= 783
• Applications for transfer of shares approval	= 36
• Applications for transfer of operating licence	= 450
• Applications for P.V. tariff approval	= 140
• Reasons for decision issued	= 173
• Applications for vehicle lease approval	= 388

* Detailed statistical analysis of the Board's activities during 1982 are set out in Appendices D1-D6.

BOARD POLICIES AND PROCEDURES

Policy Statements

(from 1978 to December 31, 1981)

Continuing its practice of publishing formulated policy, the Board issued policy statements in connection with complementary authorities, notice of objection, change of name of licence holder or shipper on PV/PCV operating authority and issuance of summonses.

Board Policy Statements issued to date by the Board are as follows:

No. 001/78-9-29 (cancelled and superseded by Policy Statement No. 004/79-8-2) Effective date:	Renewal of licence under the Public Commercial Vehicles Act. September 29, 1978
No. 002/79-2-1 Effective date:	Adjournment of Hearing. February 1, 1979
No. 003/79-5-14 Effective date:	Admissibility as evidence of photocopies and microfilm prints. May 14, 1979
No. 004/79-8-2 Effective date:	Renewal of a public commercial or public vehicle operating licence. immediate
No. 005/79-9-7 Effective date:	Recording of hearing proceedings. September 7, 1979
No. 006/79-9-7 Effective date:	Transfers and temporaries. September 7, 1979
No. 007/79-9-7 Effective date:	Cancellation of interim licence of adjournment of hearing. September 7, 1979
No. 008/79-11-19 Effective date: (amended by Policy Statement No. 012/81-1-1)	Expanded use of Section 8 proceedings. immediate
No. 009/80-1-14 Effective date:	Hearing procedures for applications for Class 'R' Operating licence. immediate
No. 010/80-9-4 Effective date:	Complementary authorities. Draft for discussion purposes — no implementation date.
No. 011/8 -9-30 Effective date:	Distribution of notices of decision. immediate
No. 012/81-1-1 Effective date:	Amendment to Policy Statement No. 008/79-11-19. Expanded use of Section 8 proceedings. January 1, 1981

No. 013/81-06-25	Complementary authorities.
Effective date:	immediate
No. 014/81-09-16	Filing of Notices of Objection.
Effective date:	September 16, 1981
No. 015/81-12-02	Change of name of licence holders or shippers on P.V. and P.C.V. Operating Licences.
Effective date:	immediate
No. 016/81-12-02	Issuance of Summonses.
Effective date:	December 2, 1981
No. 017/82-06-22	Commercial Motor Vehicle Lease Approval.
Effective date:	July 1, 1982
No. 018/82-12-22	Metrication of weight, size and distance in applications.
Effective date:	December 22, 1982

Policy Statements published by the Board during the period January 1 - December 31, 1982 are appended to this report (Appendices B-1 and B-2).

Ministry of
Transportation and
Communications



ONTARIO HIGHWAY TRANSPORT BOARD

CHAIRMAN
ONTARIO HIGHWAY
TRANSPORT BOARD
01

SECRETARY
TO
CHAIRMAN
02

VICE-CHAIRMAN
05

SECRETARY
TO
VICE-CHAIRMAN
06

MEMBER
OF
BOARD
07

SECRETARY
TO
MEMBER OF BOARD
09

MANAGING
DIRECTOR
20

MANAGER
OFFICE OF
PROCEEDINGS
AND SECRETARY
22

PROGRAM
ADVISOR
34

TARIFF
INFORMATION
OFFICER
36

SUPERVISOR
OF
COURT
CLERKS
24

COURT
CLERK
26

CASE REVIEW
AND
INFORMATION
OFFICER
27

CASE
REVIEW
CLERK
30

MANAGER
ADMINISTRATIVE
SERVICES
40

GROUP
LEADER
TYPISTS
42

SENIOR
TYPIST
44

TYPIST
46

GAZETTING
CLERK
48

RATE
CLERK
TYPIST
50

SUPERVISOR
OF
CLERKS
54

GROUP
LEADER
FILING
56

FILING
CLERK
58

RATE
FILING
CLERK
60

OFFICE
CLERK &
RECEPTIONIST
62

RECORDS
AND STATISTICS
CLERK
64

POSITION
TITLE
04

POSITION CODE No.

CHART COMPLEMENT

RECOMMENDED

CHAIRMAN

RECOMMENDED

APPROVED

MINISTER

DIRECTOR OF PERSONNEL

APRIL 1, 1980

APPENDIX 'B-1'

POLICY STATEMENT

- Item:* Commercial Motor Vehicle Lease Approval.
- Objective:* To discontinue the involvement of the Board in the commercial motor vehicle lease approval process.
- Policy:* Effective July 1, 1982 the issuance of recommendations to the Minister by the Board regarding the approval of lease documents where the Lessee of a commercial motor vehicle is the holder of an operating licence issued under The Public Commercial Vehicles Act, will cease.

Any holder of an operating licence wishing to lease a commercial motor vehicle may, after July 1, 1982 make application for a public commercial vehicle licence by submitting a completed form JV-1 (application for a commercial motor vehicle permit) together with a copy of the relevant motor vehicle owners permit and the appropriate P.C.V. licence fee, to:

The Ministry of Transportation and Communications
Highway Carrier Licensing Office
Main Floor, East Building
1201 Wilson Avenue
Downsview, Ontario M3M 1J8
Telephone: (416) 248-7146

Any enquiries regarding the leasing of commercial motor vehicles should be directed to the Highway Carrier Licensing Office at the above address.

Effective Date: July 1, 1982.

APPENDIX 'B-2'

POLICY STATEMENT

- Item:* Metrication
- Objective:* To outline Board policy respecting metrication of weight, size and distance in applications.
- The use of metric measurements is now widespread in the transportation industry. While the Board has in the past accepted either imperial or metric references in applications for authority, it is important that standard usage should be encouraged.
- Policy:* Applications for operating authority should include references to weight, size or distance in metric units. Applications in imperial terms will be converted to metric and advertised accordingly.
- For purposes of conversion the Board will refer to the 'Master Guide for the Conversion of Tariffs' developed by the Canadian Freight Association.
- Effective Date:* Immediate.

APPENDIX 'C-1'

O.I.C. POLICY STATEMENT P.V.A.
(Regional Municipality)

O in C No. 18/82

Certification Date: January 28, 1982

Gazette Date: February 20, 1982

(Pursuant to The Public Vehicles Act, R.S.O. 1980, c.425 and amendments thereto)

The Honourable Minister of Transportation and Communications therefore recommends that the following be taken into consideration by the Ontario Highway Transport Board when determining questions of public necessity and convenience in relation to scheduled public vehicle services provided into, out of, within or through a Regional Municipality:

"The compatibility of licences under the Public Vehicles Act with the requirements for ground transportation services as expressed by the Council of the Regional Municipality or an authorized representative thereof."

THE ONTARIO HIGHWAY TRANSPORT BOARD
REVENUE

for the period January 1, 1982 to December 31, 1982

Application Fees	\$123,860.00
Court Costs	29,351.85
Leases	9,875.00
Tariffs (including copies)	69,054.85
Credits and U.S. Exchange	2,476.10
Miscellaneous	<u>11,348.55</u>
Gross Revenue	<u>\$245,966.35</u>
Refunds and N.S.F. Cheques	<u>- 8,653.50</u>
Net Revenue	<u><u>\$237,312.85</u></u>

THE ONTARIO HIGHWAY TRANSPORT BOARD
 APPLICATIONS PROCESSED
 for the period January 1, 1982 to December 31, 1982

<u>CLASS</u>	<u>TOTAL</u>	<u>GRANTED</u>	<u>DENIED</u>
A	147	137	10
C	44	44	—
D	658	561	97
E	14	14	—
F	48	42	6
FF	2	1	1
FS	26	25	1
H	30	25	5
K	22	19	3
L	28	28	—
R	808	576	232
T	45	40	5
W	4	—	4
Y	63	60	3
SUB TOTAL	1939	1572	367
PV	152	134	18
PVS	164	163	1
SUB TOTAL	2255	1869	386
Goods	791	704	87
Freight			
Forwarders	6	5	1
Passengers	161	147	14
TOTAL	3213	2725	488

	Jan.	Feb.	Mar.	Apr.	May	Jun.	Jul.	Aug.	Sept.	Oct.	Nov.	Dec.	Total
Leases	30	21	43	130	50	74	38	2	—	—	—	—	388
Tariffs	20	14	18	11	22	10	8	12	13	5	5	6	144
Reasons for Decision	9	7	15	19	21	15	10	6	16	4	36	15	173
Applications Withdrawn	30	27	49	50	36	36	57	55	68	53	57	37	555

THE ONTARIO HIGHWAY TRANSPORT BOARD
BOARD DECISIONS AFTER PUBLIC HEARING

for the year 1982

CLASS	TEMPORARIES/INTERIMS				LICENCE APPLICATIONS						TRANSFERS		
	Applications	Denied	Granted		Applications	Denied	Granted	No. of cases opposed	% opposed	No. of Respondents	Average No. of Respondents	Shares	Licence
A	—	—	—		31	3	28	27	87%	118	4	—	1
C	—	—	—		7	—	7	7	100%	28	4	—	—
D	—	—	—		114	15	99	76	67%	217	3	—	2
E	—	—	—		—	—	—	—	—	—	—	—	—
F	—	—	—		2	—	2	2	100%	3	2	—	—
FF	—	—	—		2	1	1	2	100%	2	1	—	—
FS	—	—	—		3	—	3	2	67%	3	2	—	—
H	—	—	—		14	5	9	13	93%	36	3	—	1
K	—	—	—		9	2	7	9	100%	32	4	—	—
L	—	—	—		—	—	—	—	—	—	—	—	—
R	57	31	26		338	109	229	9	3%	19	2	—	3
T	—	—	—		5	—	5	4	80%	9	2	—	—
W	—	—	—		—	—	—	—	—	—	—	—	—
SUB TOTAL	57	31	26		525	135	390	151	29%	467	3	—	7
PV	—	—	—		37	10	27	31	84%	118	4	—	—
PVS	—	—	—		5	1	4	4	80%	8	2	—	—
SUB TOTAL	57	31	26		567	146	421	186	33%	593	3	—	7
PCVX	—	—	—		119	11	108	81	68%	302	4	2	4
FFX	—	—	—		4	—	4	2	50%	2	1	—	—
PVX	—	—	—		18	9	9	16	89%	67	4	—	—
TOTAL	57	31	26		708	166	542	285	40%	964	3	2	11

APPENDIX 'D-4'

THE ONTARIO HIGHWAY TRANSPORT BOARD BOARD DECISIONS WITHOUT PUBLIC HEARING for the year 1982

CLASS	TEMPORARIES/INTERIMS				LICENCE APPLICATIONS				TRANSFERS		
	Applications	Denied	Granted		Applications	Denied	Granted		Applications	Shares	Licences
A	62	6	56		41	1	40		12	4	8
C	19	—	19		11	—	11		7	—	7
D	164	82	82		327	—	327		51	3	48
E	—	—	—		8	—	8		6	2	4
F	13	6	7		17	—	17		16	1	15
FF	—	—	—		—	—	—		—	—	—
FS	4	1	3		9	—	9		10	—	10
H	1	—	1		6	—	6		8	—	8
K	3	1	2		6	—	6		4	1	3
L	—	—	—		28	—	28		—	—	—
R	166	90	76		43	2	41		201	—	201
T	16	5	11		21	—	21		3	1	2
W	3	3	—		1	1	—		—	—	—
Y	—	—	—		62	3	59		1	—	1
SUB TOTAL	451	194	257		580	7	573		319	12	307
PV	36	8	28		53	—	53		26	2	24
PVS	26	—	26		71	—	71		62	1	61
SUB TOTAL	513	202	311		704	7	697		407	15	392
PCVX	197	71	126		412	5	407		57	19	38
FFX	1	1	—		1	—	1		—	—	—
PVX	15	5	10		119	—	119		9	—	9
TOTAL	726	279	447		1236	12	1224		473	34	439

OUT OF TOWN AND JOINT PROVINCIAL HEARINGS
held during the period January 1, 1982 to December 31, 1982

Month	Location	Applications	Applications Heard					Others	Adjourned	Granted	Denied	Withdrawn
			'R' Licence	'R' Temp.	'W' Licence							
January	London	4	-	-	-	-	4	-	-	-	2	2
	Hamilton	2	-	-	-	-	2	2	-	-	-	-
	Niagara Falls	2	-	-	-	-	2	2	-	-	-	-
	Sudbury	4	-	-	-	-	4	1	2	-	-	1
	Ottawa	3	-	-	-	-	3	-	3	-	-	-
	North Bay	2	-	-	-	-	2	-	2	-	-	-
February	London	2	-	-	-	-	2	-	-	1	1	-
	Barrie	2	-	-	-	-	2	-	-	2	-	-
	Windsor	1	-	-	-	-	1	-	-	-	-	-
	Kitchener	4	-	-	-	-	4	-	3	1	1	-
	Hamilton	2	-	-	-	-	2	-	-	2	-	-
	Pembroke	1	-	-	-	-	1	-	-	-	-	1
	Thunder Bay	2	-	-	-	-	2	2	-	-	-	-
	Dresden	2	-	-	-	-	2	-	2	-	-	-
March	St. Catharines	6	6	-	-	-	-	2	2	1	1	-
	Kitchener	6	6	-	-	-	-	-	5	1	1	-
	London	10	8	-	-	-	2	-	6	4	-	-
	Peterborough	7	7	-	-	-	-	-	7	-	-	-
	Kingston	3	3	-	-	-	-	-	2	-	-	1
	Ottawa	11	11	-	-	-	-	1	8	-	1	1
	Niagara Falls	1	-	-	-	-	1	-	-	1	1	-
	Orillia	1	-	-	-	-	1	1	-	-	-	-
	Dryden	10	9	-	-	-	1	2	-	5	1	-
	Fort Frances	6	4	-	-	-	2	-	4	2	-	-
	Thunder Bay	13	13	-	-	-	-	-	11	1	1	-
	Belleville	1	-	-	-	-	1	-	-	1	-	-
	April	Sault Ste. Marie	8	7	-	-	-	1	1	4	2	1
Sudbury		14	14	-	-	-	-	1	7	6	-	-
Timmins		8	7	-	-	-	1	-	6	-	-	2

THE ONTARIO HIGHWAY TRANSPORT BOARD
OUT OF TOWN AND JOINT PROVINCIAL HEARINGS
held during the period January 1, 1982 to December 31, 1982

Month	Location	Applications	Applications Heard				Others	Adjourned	Granted	Denied	Withdrawn
			'R' Licence	'R' Temp.	'W' Licence						
April cont'd	Kapuskasing	6	3	—	—	3	3	3	3	—	—
	Windsor	1	—	—	—	1	1	1	—	—	—
	Ottawa	11	—	—	—	11	11	1	10	—	—
May	Hull	1	Joint Hearing	—	—	1	—	—	—	1	—
	Windsor	2	—	—	—	2	1	1	—	—	—
	Bracebridge	1	—	—	—	1	1	—	1	—	—
	Midland	1	—	—	—	1	—	—	5	2	—
	Ottawa	10	—	—	—	10	1	2	—	—	—
	Niagara Falls	2	—	—	—	2	2	2	1	—	—
	North Bay	3	1	—	—	2	1	2	2	—	—
	Sudbury	3	—	—	—	3	2	—	—	—	—
	London	2	—	—	—	2	—	—	—	—	—
	London	4	—	—	—	4	1	1	2	—	—
June	Montreal	1	Joint Hearing	—	—	1	1	—	—	—	—
	Sudbury	1	Joint Hearing	—	—	1	1	—	—	—	—
	Timmins	1	Joint Hearing	—	—	1	1	—	—	—	—
	North Bay	1	Joint Hearing	—	—	1	1	—	14	1	1
	North Bay	41	41	—	—	—	8	—	7	23	—
	North Bay	31	—	31	—	—	—	—	—	—	—
	Thunder Bay	3	—	—	—	3	2	2	1	—	—
July	Hamilton	2	—	—	—	2	6	4	—	—	—
	Ottawa	24	—	—	—	24	1	1	1	—	—
	Stouffville	1	—	—	—	1	—	—	—	—	—
	Kitchener	1	—	—	—	1	1	1	—	—	—
	Niagara Falls	1	—	—	—	1	5	4	—	—	—
	London	5	—	—	—	5	1	1	—	—	—
	Goderich	1	—	—	—	1	4	2	—	2	—
	Sudbury	4	—	—	—	4	1	1	—	—	—
	Elliot Lake	1	—	—	—	1	1	1	—	—	—
	Winnipeg	1	Joint Hearing	—	—	1	—	—	1	—	—

OUT OF TOWN AND JOINT PROVINCIAL HEARINGS
held during the period January 1, 1982 to December 31, 1982

Month	Location	Applications	Applications Heard					Others	Adjourned	Granted	Denied	Withdrawn
			'R' Licence	'R' Temp.	'W' Licence							
August	Niagara Falls	2	--	--	--	2	1	--	--	--	--	1
	Sault Ste. Marie	9	6	--	--	3	1	8	--	--	--	--
	Kitchener	3	--	--	--	3	3	--	--	--	--	--
	Ottawa	27	17	--	--	10	4	17	--	5	--	1
	Hamilton	1	--	--	--	1	--	--	--	--	--	1
	Windsor	6	--	--	--	6	4	--	--	--	--	--
	Brantford	1	--	--	--	1	1	1	--	1	--	--
	Kingston	5	5	--	--	--	--	3	--	1	--	1
	Peterborough	5	5	--	--	--	--	5	--	--	--	--
	London	2	--	--	--	2	--	2	--	--	--	--
	Dryden	9	7	2	--	--	--	7	--	2	--	--
	Fort Frances	4	3	--	--	1	--	3	--	--	--	1
	Thunder Bay	8	8	--	--	--	--	5	--	2	--	--
	Sudbury	12	11	1	--	--	--	1	--	5	--	--
September	Timmins	11	10	--	--	1	--	9	--	1	--	1
	Kapuskasing	7	7	--	--	--	--	6	--	1	--	--
	North Bay	30	30	--	--	--	2	24	--	3	--	1
	St. Catharines	6	5	--	--	1	3	2	--	--	--	1
	Kitchener	15	15	--	--	--	6	4	--	4	--	1
	London	19	19	--	--	--	4	9	--	5	--	1
	Windsor	8	8	--	--	--	--	5	--	3	--	--
	Timmins	3	--	--	--	3	3	--	--	--	--	--
	Kapuskasing	2	--	--	--	2	1	1	--	--	--	--
	Montreal	1	Joint Hearing		--	1	1	--	--	--	--	1
October	Kitchener	1	--	--	--	1	--	--	--	--	--	--
	Brantford	2	--	--	--	2	--	2	--	--	--	--
	Ottawa	8	--	--	--	8	--	8	--	--	--	--
	London	8	--	--	--	8	4	1	--	--	--	3
	Thunder Bay	5	--	--	--	5	1	2	--	1	--	1

THE ONTARIO HIGHWAY TRANSPORT BOARD
OUT OF TOWN AND JOINT PROVINCIAL HEARINGS
held during the period January 1, 1982 to December 31, 1982

Month	Location	Applications Heard							Denied	Withdrawn
		Applications	'R' Licence	'R' Temp.	'W' Licence	Others	Adjourned	Granted		
November	North Bay	2	—	—	—	2	—	2	—	—
	Windsor	1	—	—	—	1	1	—	—	—
	Cambridge	1	—	—	—	1	—	1	—	—
	Sarnia	3	—	—	—	3	—	2	1	—
	St. Catharines	1	—	—	—	1	1	—	—	—
	Elliott Lake	1	—	—	—	1	1	—	—	—
	Kitchener	2	—	—	—	2	—	—	—	2
	London	8	—	—	—	8	3	3	—	2
	Sudbury	2	—	—	—	2	2	—	—	—
December	Kitchener	2	—	—	—	2	1	1	—	—
	Hamilton	1	—	—	—	1	1	—	—	—
	Windsor	3	—	—	—	3	1	—	1	1
TOTAL		552	296	34	—	222	114	271	95	72

APPLICATIONS RECEIVED
January 1, 1982 to December 31, 1982

CLASS

Public Commercial Vehicles Act

A	181
C	53
D	706
E	11
F	63
FF	5
FS	32
H	46
K	26
L	28
R	990
T	64
W	18
Y	52
	<hr/>
	2275
	<hr/>

Public Vehicles Act

PV	186
PVS	164
	<hr/>
	350
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Motor Vehicle Transport Act (Canada

Total No. of Applications	1092
	<hr/>
	3717
	<hr/>
Total No. of Leases	395
Public Vehicle Tariffs	140

1982
REPORT ON CLASS 'R' HEARINGS

In accordance with Board Policy on Class 'R' matters, hearings were conducted throughout the province during the period March 1st, 1982 to April 13th, 1982. A list of hearing locations is attached as Appendix 'A'. The Board has considered all the information presented and concludes that with the addition of the limited number of licences granted to applicants heard during this period there is currently a supply of Class 'R' vehicles adequate to meet all reasonable demands for the coming year in all regions of Ontario. Factors that point to this conclusion are:

1. As of February 22nd, 1982, approximately 16% of the total number of vehicles authorized had not been licenced during the period April 1, 1982 to February 22, 1982. (10,822 vehicles authorized, 9,122 licensed.) While there is undoubtedly a wide variety of reasons why such a substantial number of vehicles remain unlicensed, we believe that the high percentage of dormant licences is in large measure due to lack of work at compensatory rates.
2. Shippers and receivers are getting service at highly competitive rates throughout the province, a strong indication of the availability of vehicles adequate to perform the volume of work which is available.
3. High interest rates have inhibited the construction industry, particularly the residential segment, thus reducing demand for dump vehicles.
4. The forest industry is not as buoyant as in previous years. Consequently many trucks that were previously employed hauling forest products are now available for Class 'R' work in much of Northern and North Western Ontario. Many of these trucks are already licensed to transport so-called Class 'R' commodities.
5. With the exception of the Metropolitan Toronto area, there was much less support for additional trucks than in previous years. Given the mobility of truckers and the broad areas covered by Class 'R' licences together with the new licences granted, we believe any increased business in the Metro Toronto area will be more than offset by truckers from other areas seeking work, or by the activation of dormant licences.
6. Field investigations conducted for the Board by Proctor & Redfern Limited during the months of August, September and October 1981 indicated an adequate number of trucks at all construction sites surveyed.

The Board is satisfied that the current system of Class 'R' regulation has resulted in a viable work force of dump vehicles capable of serving Ontario in an efficient, reliable and responsible manner at reasonable rates and at the same time affording the individual one vehicle operator an opportunity to hold his own licence, operate his own vehicle, and earn a realistic rate of return. It is particularly gratifying that this has been accomplished in a manner largely acceptable to both shippers and truckers. Although shippers will probably always feel a need for more vehicles and the truckers for less, we believe there currently exists a reasonable balance which is reflected by briefs presented to the Board by shippers and truckers alike. The Board is particularly impressed with the co-operation that is extended to the Board by both shippers and truckers. We feel it appropriate to quote briefly from the following written submissions:

From the submission of the Aggregate Producers Association of Ontario:

"The Board is to be commended for continuing to search out statistical evidence with respect to regional supply and demand for dump trucks and attempting to anticipate demand for the coming construction season. We are convinced that a continued rational approach to Class 'R' licencing will be to the benefit of all

those involved in trucking, those using the services of 'R' vehicles, and the public of Ontario."

From the submission of the Greater Ottawa Truckers Association:

"G.O.T.A. wish to commend the O.H.T.B. — and yourself in particular — for its handling of Class 'R' licences. We have not always agreed with the decisions but the Board's view has a wider scope than ours".

From the submission of the Ontario Aggregate Carriers Association:

"Mr. Chairman, it is our intent to have a representative at as many of these Hearings as possible. We congratulate the Board on having these Hearings, and look forward to working with the Board in any way possible to stabilize the aggregate industry more, which will better serve public necessity and convenience".

It is apparent that the most suitable time to consider licence applications in a manner convenient to all parties, and at the same time to best ensure that there will be available an adequate supply of vehicles, is during March and April of each year. With the continued co-operation of shippers and truckers and the expansion of Board and Ministry statistical information we believe the majority of applications can and should be accumulated for hearing during this period. The problem, and we believe it will not likely be encountered in 1982, will be to anticipate and meet unexpected increases in demand during the busy season which normally runs May to December, with peak demand most often occurring in the Fall.

It is self evident that there can be nothing more frustrating or inequitable than to put an applicant to the expense of a hearing if, in the Board's view, statistics and trends indicate there is no need for more trucks. But it would be equally inequitable to leave shippers short of trucks if unforeseen factors increase demand.

As a result of the experiences of the past two or three years, when there have been temporary or permanent disruptions to, or reductions of, the service normally provided by certain large carriers, the Board is increasingly concerned about the wisdom of granting to any licensee authority to operate a large number of Class 'R' vehicles. So long as the operation continues smoothly, the aggregate producers are probably well served; but when, for whatever reason, that service is interrupted, serious consequences flow. Indeed, the aggregate producing industry can be seriously impacted by a carrier's financial problems or by labour disputes to which it is not a party.

There are two other matters which, though often mentioned in the past, continue to be troublesome, particularly with respect to applicants for Class 'R' licences. Firstly, not infrequently an applicant will purchase a vehicle, or commit himself to its purchase, before his application has been determined by the Board. It is, apparently, not understood (or if understood is ignored) that ownership of a suitable vehicle is of no assistance to him in establishing that "public necessity and convenience warrant the issue of the licence", and, in cases in which the application is denied, may result in the applicant having acquired a vehicle for which he has no work and in his having incurred a substantial long-term financial obligation.

Secondly, there appears to be, in many applicants, an abysmal lack of appreciation of the total cost of operation of a heavy motor vehicle or of the factors impacting upon the work which, if a licence is issued, it will perform. Nor, apparently is it understood that it does not encourage effective competition, nor is it in the public interest or in the private interest of the trucker, to authorize a service which does not return to the carrier his fixed and variable costs plus a reasonable profit.

The Board has identified the rate paid as one of the prime factors affecting supply and demand. It is obvious that if a shipper is paying less than a fair rate or less than other shippers he

will experience difficulty getting trucks. Conversely, if average rates in an area are unreasonably high, that indicates a shortage of trucks. Obviously the Board has to continue to seek rate information and to evaluate it against reliable information within its own knowledge. It is very important that the Ministry continue to publish suggested rates.

We believe the Class 'R' industry is, generally, in a healthy position. Even in these difficult times the future is bright; and all concerned, including the Board, should approach that future with a very positive attitude.

The proposals that we believe should be implemented are:

1. A mechanism should be devised by means of which the number of dormant licences may be reduced.
2. The majority of the Class 'R' applications should be heard during March and April of each year.
3. Applications received too late for publication for the March and April hearings, should be scheduled for hearing in the period August 15th to October 15th. It may be that at some time in the future it may be necessary to schedule hearings more frequently than twice a year; but at least at this time there is no indication of such a need.
4. We can foresee little need for the issue of temporary licences in the immediate future; but for situations when that need arises provision should be made as follows:
 - (a) Seven-day telegram authority be issued to Class 'R' licence holders seeking short term extension and supported by shippers having urgent short term need, with provision for no more than one additional 7-day extension upon request.
 - (b) Temporary applications for sanding and salting contracts continue to be determined in accordance with policy established between the Ministry and the Board.
 - (c) Applications for interim authority must be supported by evidence that the need cannot be met by other licenced carriers, that it will continue, and that the rate agreed upon between shipper and trucker is reasonable; i.e., that it is not less than the equivalent recommended MTC rate.
5. The Board's statistical and general knowledge be augmented with Ministry information, input from industry and carriers, and field surveys.
6. The Public Commercial Vehicles Act and the Regulations published pursuant thereto should be effectively enforced. As there is currently more than an adequate number of licenced vehicles there should be no excuse for the illegal operations which in our view contribute to instability in the industry.

The Board takes this opportunity to thank everyone who participated in the Spring hearings and particularly the Ministry of Transportation and Communications whose forecast and statistical information is essential. We are also most appreciative of the very constructive and informative briefs presented by the Aggregate Producers Association of Ontario, the Greater Ottawa Truckers Association and the Ontario Aggregate Carriers Association.

Respectfully submitted

G.J. Norton, Vice-Chairman

J.M. Duncan, Member

E.J. Canning, Member

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Government of Ontario
Publications



Ontario Highway Transport Board
ANNUAL REPORT
1983

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ANNUAL REPORT
OF
THE ONTARIO HIGHWAY TRANSPORT BOARD
for the year ending December 31, 1983

ANNUAL REPORT
OF
THE ONTARIO HIGHWAY TRANSPORT BOARD
for the year ending December 31, 1983

The Ontario Highway Transport Board pursuant to Section 28 of the Ontario Highway Transport Board Act, R.S.O. 1980, Chapter 316, begs leave to submit its twenty-eighth Annual Report upon its affairs to the Honourable the Minister of Transportation and Communications for the calendar year 1983.

Members of the Board:

G.C. Marrs	Chairman
G.J. Norton	Vice-Chairman
R.D. Sloan	Vice-Chairman
J.A. Wardrop	Member
A.A. Landry	Member
J.M. Duncan	Member
E.J. Canning	Member
C.F. Bark	Member
M.H. Shecter	Member

To: The Honourable John Black Aird
O.C., Q.C., B.A., LL.D.
Lieutenant-Governor of the Province of Ontario

MAY IT PLEASE YOUR HONOUR:

The undersigned takes pleasure in submitting the
Annual Report for the Ontario Highway Transport
Board for the calendar year ending December 31,
1983.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "James Snow", with a long, sweeping flourish extending to the right.

James Snow,
Minister

To: The Honourable James Snow
Minister of Transportation and
Communications

Sir:

I have the honour to present the report of the activities
of The Ontario Highway Transport Board for the
calendar year ending on December 31, 1983.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "G.C. Marrs", written in a cursive style.

G.C. Marrs,
Chairman

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1983 ANNUAL REPORT OF THE BOARD

EXECUTIVE

On April 11, 1983, Mr. George C. Marrs was appointed Chairman of the Ontario Highway Transport Board succeeding Bruce B. Alexander, Q.C., who was appointed to new responsibilities with the Ministry of Transportation and Communications as Assistant Deputy Minister, Finance and Administration.

Mr. Robert D. Sloan, a member of the Board since 1979, was appointed Vice-Chairman. Mr. Sloan was also appointed Vice-Chairman of the Ontario Telephone Services Commission on January 1, 1983, and will continue in that capacity.

Mr. Max Shecter, a member of the Board since 1981, was appointed a member of the Ontario Telephone Services Commission on January 1, 1983, as well.

Administration

Successful efforts have been made to improve internal efficiency, and to upgrade the level of service to the public.

Automation

The Board is continuing to modernize its operation and now has direct terminal access to vehicle registration and conviction records, and to other data stored in the main Ministry of Transportation and Communications computer located at Downsview.

PUBLIC INFORMATION

The Board has published a series of booklets on the application process, wording and procedure which are of value to prospective applicants. Publications now available are:

"An Introduction to The Ontario Highway Transport Board"

"How to Apply For a Class "H" P.C.V. Licence"

"How to Apply For a Class "R" P.C.V. Licence"

"The Application Process — Guidelines"

Copies of these booklets may be picked up free of charge at the Board's offices, 151 Bloor Street West, Toronto, Ontario. For additional information, contact the Office of Proceedings, (416) 965-1845.

POLICY DEVELOPMENT AND HEARINGS PROCEDURE

Public Hearings

Special Class "R" Hearings were again held in major centres across the Province to obtain data and information concerning the available supply of dump vehicles and the anticipated demand for their services.

As in the two previous years, it is still evident that a high level of dormancy in operating licences exists across the province, and strong competition in all areas has produced highly competitive rates. It is apparent that an adequate supply of vehicles is still available in all regions.

CANADIAN CONFERENCE OF MOTOR TRANSPORT ADMINISTRATORS

The Board continues to participate in the working groups of CCMTA in particular those involving (1) Legislation, Regulations & Procedures, and (2) Policy Issues. Within the framework

of the first named group our contribution has been in the preparation of rules and procedures designed to expedite the application and hearing process by establishing uniformity of process within each provincial jurisdiction. The proposals are now in the hands of each jurisdiction and other interested groups and we are awaiting formal responses prior to formalizing the procedures submitted.

The amendments to the Motor Vehicle Transport Act (Canada) are being reviewed by Transport Canada and we remain hopeful that we will see at least the majority of the submissions accepted for legislative processing. In the meantime jurisdictions continue to act on behalf of each other with respect to "out of jurisdiction" service of summons etc., and with the attendant cost the MVT Act proposed amendment with respect to "out of jurisdiction" service by registered mail assumes greater importance given the constraints in effect in each province.

TRANSPORTATION POLICY

Commercial Motor Vehicle Lease

Effective July 1, 1982, the Board discontinued making recommendations to the Minister of Transportation and Communications in respect to the approval of a lease for a commercial motor vehicle.

A process has been implemented by the Ministry whereby any holder of an operating licence wishing to lease a commercial motor vehicle may make application to the Highway Carrier Licensing Office for a vehicle licence.

Administered Prices Restraint Program

Bill 179, an Act respecting the Restraint of Compensation in the Public Sector of Ontario and the Monitoring of Inflationary Conditions in the Economy of the Province, received third reading in the Legislature on December 15, 1982.

The provisions of the Act apply, among other things, to public vehicle tariffs. Basically, the Restraint Program restricts the pass through of increases for salaries and wages and for profits to a maximum of 5%. All other increases in cost (e.g. fuel, tires, etc.) may be fully passed through in tariff hearings.

At the present time the Minister of Transportation and Communications refers applications for new or revised public vehicle tariffs to the Board for hearing and report. The only public vehicle movements exempt from this requirement are:

- a.m./p.m. school bus trips
- charter trips

The administered Prices Restraint Program has a duration of 15 months, from September 21, 1982 to December 31, 1983. The compliance period for P.V. carriers is 12 months starting from the first effective price increase in the program period.

Class 'Y' Licence

American for-hire carriers have been able to operate through Ontario for a number of years under the terms of a Class 'L' operating licence. This licence is issued for the in-transit move of goods in bond between the U.S. States of Michigan and New York. The licensee is required to purchase a trip permit for each trip across the province. The permit currently costs \$20.00 and exempts the commercial motor vehicle for which it is issued from Ontario's registration fees, operating licence requirements and Ontario's fuel tax program, however, it does restrict movements to between specific boundary points and over selected routes.

As a result of Ontario having negotiated bilateral registration reciprocity agreements with 36 U.S. jurisdictions, including Michigan and New York, the need for the 'L' Class permit as a means of exempting U.S. carriers from Ontario's registration requirement has gradually lessened, however, the need for a permit to cover operating licence requirements has remained the same. By publication in the Ontario Gazette of O. Reg. 778/81 pursuant to the P.C.V. Act on December 5, 1981, the Honourable James Snow, Minister of Transportation and Communications implemented a new class of licence for goods moving in bond through Ontario between New York and Michigan. The Class 'Y' licence allows the licensee unlimited operations of a commercial motor vehicle, between the same boundary points and over the same routes as the Class 'L' permit on payment of a \$50.00 annual fee for each vehicle listed under the Class 'Y' licence.

Carriers based in a jurisdiction which does not have a vehicle registration reciprocity agreement with Ontario are required to purchase Ontario registration for each vehicle listed.

Intercorporate Trucking

Intercorporate private trucking was introduced in February of 1982. Corporations with a 90 percent common level of ownership may apply to the Minister of Transportation and Communications for a Certificate of Intercorporate Exemption allowing it and its affiliate to transport each other's goods for compensation without an operating licence.

Since its introduction, Certificates have been issued to 93, both Canadian and U.S. corporations involving a total of 304 subsidiaries.

A committee was appointed at the time intercorporate trucking was introduced to monitor the impact on both incorporate and for-hire carriers. That committee reported in June of 1983. The committee found difficulty in identifying any major impacts as apparently the combination of the short period of time since the legislation was introduced, and the depressed level of the economy, has limited the number of intercorporate trucking implementations. Some of the smaller firms, however, had achieved significant benefits from intercorporate trucking while larger companies appeared to be using the privilege to make incremental improvements in their distribution operations. The committee was unable to identify any negative impacts on for-hire carriers. It was determined that intercorporate trucking remains an undeveloped practice in Ontario, and as a result a definitive assessment of its impact cannot be made at this time.

PCV Act Review

In June of 1983, the Public Commercial Vehicles Act Review Committee completed its meetings and presented its report entitled: "Responsible Trucking" to the Minister of Transportation and Communications. Mr. B.B. Alexander, Q.C., former Chairman of the Board, was a member of the Committee. Consensus was reached on a significant number of issues facing shippers, and private and for-hire carriers.

The report recommends what the new legislation should do, and how it should be accomplished. The basis is a statement of objectives and principles which sets out the new philosophy: It recommends emphasis on performance rather than entry controls and stresses that the new Act should ensure an effective highway goods movement system in Ontario based on private ownership and effective competition. Principles of fairness, simplicity, participation in the local economy by all carriers, and controlled change to allow participants time to adjust are considered essential.

To ensure compliance, a Commercial Vehicle Operator Registration has been recommended which will ensure that someone besides the driver and vehicle owner is responsible for on-highway operation.

Under the new Act, it is proposed that the test of public necessity and convenience be replaced with a fitness test. The test will examine the operational and financial fitness of the applicant and is designed to ensure the applicant is prepared for the responsibilities and risks of the planned operation.

An implementation steering committee (I.S.C.) is in place which will oversee a number of specialized committees, each dealing with a particular segment, e.g. Rates, Enforcement, Competency, Agency Reform and the Licence Rewrite Commission. Mr. G.C. Marrs is a member of the I.S.C., which is the decision-making group, and the Board is represented on all other committees. Following the successful experience of the Public Commercial Act Review Committee, the I.S.C. and the committees reporting to it are made up from the 100 member Implementation Advisory Group, whose membership has been nominated by organizations or associations concerned with the trucking industry either as carriers or users.

Both the Government and the trucking industry are working together to ensure that the new Act will be fair to all, and designed to foster the development of a profitable, responsible and efficient highway transportation system.

International Trucking

On April 19, 1983, the Minister of Transportation and Communications directed the Ontario Highway Transport Board to examine and investigate such matters as necessary to determine if a major shift in the balance of trade in trucking services was likely, and what effect such a shift would have on the trucking industry and the service to Ontario shippers, receivers and consumers.

Pursuant to this direction, the Board conducted hearings between May 30 and July 13, 1983 at strategic locations across the Province. Submissions were received from more than 60 persons and organizations, and the Report — which reflected the divergent views of carriers and shippers — was forwarded to the Minister on July 30, 1983.

The executive summary noted that private and for-hire trucking, the dominant mover of freight, is a fourteen billion-dollar industry in Canada and five billion in Ontario. It employs 81,000 persons in Ontario and deploys over 130,000 pieces of equipment in this Province. Ontario has the biggest share of transborder traffic.

Because of the recession, there is substantial excess capacity in the trucking industry and profits have shrunk; the industry as a whole is financially stretched — especially the larger carriers. U.S. carriers are in better financial shape, and their bigger ones dwarf their Canadian and Ontario counterparts.

The international trucking market is particularly important to Ontario's economy, since Ontario-based international carriers generate a disproportionately large share of international revenues.

If a change in Ontario's transportation policy were to reduce the relative volume of international business handled by Ontario-based carriers (either through present U.S. based carriers taking a bigger share of the market or through the relocation of Ontario-based international carriers to the United States) the provincial economy could lose substantial investment, jobs and provincial revenues. It appears that U.S. carriers may already have a net favourable balance: shipments of U.S. origin earn a larger share of the revenues, represent a larger share of the Canadian market than Canadian origin shipments do of the U.S. market, and more international trucking miles are travelled south of the border.

Protectionist trends in the international economy including the United States in some sectors, complicate the Board's deliberations on transborder trucking policy. The Board should be convinced that Canadian carriers would receive fair and equal reciprocal treatment as one precondition to opening the border. Another necessary condition is that Ontario carriers should be financially able to make adjustments to their operations to remain competitive. This suggests that, in the event an open border policy is implemented, a transitional period of adjustment — or phasing in — may be required.

The Report pointed out that information available on the trucking industry in Canada is fragmented and unco-ordinated, and recommended that steps should be taken to improve and up-

grade the flow of vital information needed for effective strategic planning and public policy information.

PUBLIC VEHICLES ACT

In the process of dealing with its specific tasks the former Public Vehicles Act Review Committee identified two major problems; public highway transportation services on major provincial corridors and public highway transportation services in rural areas.

In an effort to resolve these two problems, and as a measure of his concern for the health of the industry as a whole the Honourable James Snow, Minister of Transportation and Communications formed a Bus Committee, which met for the first time on September 16, 1982. The membership list of the Committee embraces representatives from three broad areas:

Bus Industry: A representational selection of interprovincial scheduled service carriers, regional carriers, government sponsored carriers, school bus carriers and northern Ontario carriers;

Government: The Ontario Highway Transport Board, Ministry staff and government agencies (including Transport Canada) that have direct involvement in matters surrounding bus transportation;

Public: A consumers group representative, and a representative of one of the major client groups for intercity bus transportation — senior citizens.

In his direction to the committee the Minister indicated that he was looking for consensus for a provincial policy direction that would support the public intercity transportation sector. He defined the issues facing the committee, as follows:

Rural Mobility: How can Ontario ensure that essential public highway services are maintained in small communities and rural areas?

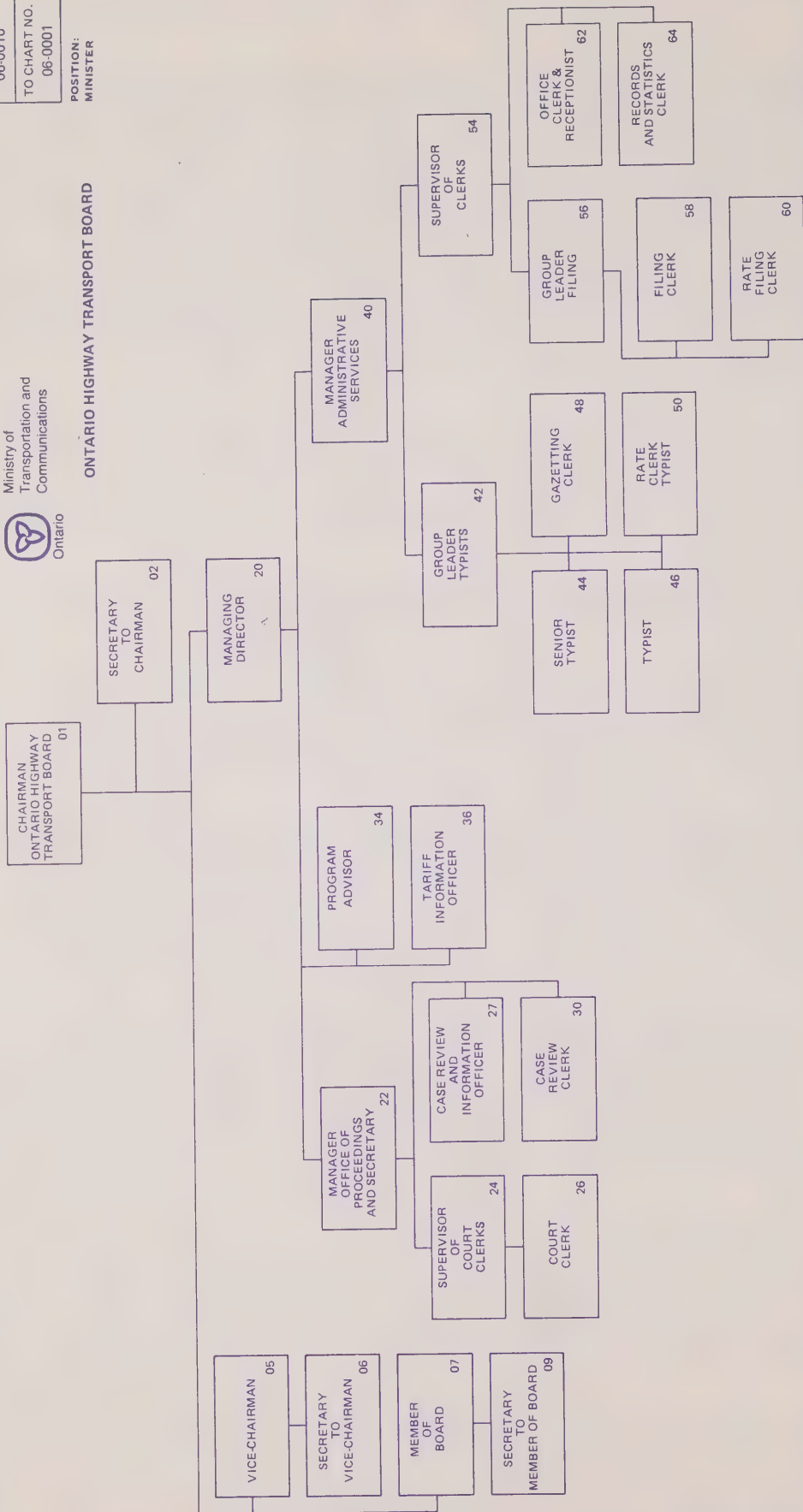
Bus and Rail Interaction: How can Ontario ensure the continuance of essential long distance bus service between urban centres while at the same time pursuing intermodal bus/rail initiatives and most appropriately anticipating such proposals for the Windsor-Montreal and Ottawa-Toronto VIA RAIL high speed corridors, so as to best serve the interests of the travelling public, bus parcel express customers and the intercity bus industry.

In October of 1983, in response to a submission from the Ontario Motor Coach Association, the Committee's terms of reference were broadened to consider issues raised in the brief including charter and line-haul separation, and competition from subsidized carriers. The Minister stated that he was looking for the Committee to produce a statement of some basic principles which can be used in the preparation of legislation. The provincial policy proposals are expected by December of 1984.

CHART No.
06-0010
TO CHART NO.
06-0001
POSITION:
MINISTER



ONTARIO HIGHWAY TRANSPORT BOARD



RECOMMENDED _____ DIRECTOR OF PERSONNEL _____ APRIL 1, 1980
APPROVED _____ MINISTER _____
RECOMMENDED _____ CHAIRMAN _____
CHART COMPLEMENT _____
POSITION TITLE 04
POSITION CODE No. _____

APPENDIX 'B'

BOARD POLICIES AND PROCEDURES

Policy Statements

Continuing its practice of publishing formulated policy, Board Policy Statements issued to date are as follows:

No. 001/7809029 (cancelled and superseded by Policy Statement No. 004/79-8-2) Effective date:	Renewal of licence under the Public Commercial Vehicles Act. September 29, 1978
No. 002/79-2-1 Effective date:	Adjournment of Hearing. February 1, 1979
No. 003/79-5-14 Effective date:	Admissibility as evidence of photocopies and microfilm prints. May 14, 1979
No. 004/79-8-2 Effective date:	Renewal of a public commercial or public vehicle operating licence. immediate
No. 005/79-9-7 Effective date:	Recording of hearing proceedings. September 7, 1979
No. 006/79-9-7 Effective date:	Transfers and temporaries. September 7, 1979
No. 007/79-9-7 Effective date:	Cancellation of interim licence of adjournment of hearing. September 7, 1979
No. 008/79-11-19 Effective date: (amended by Policy Statement No. 012/81-1-1)	Expanded use of Section 8 proceedings. immediate
No. 009/80-1-14 Effective date:	Hearing procedures for applications for Class 'R' operating licence. immediate
No. 010/80-9-4 Effective date:	Complementary authorities. Draft for discussion purposes — no implementation date.
No. 011/80-9-30 Effective date:	Distribution of notices of decision. immediate
No. 012/81-1-1 Effective date:	Amendment to Policy Statement No. 008/79-11-19. Expanded use of Section 8 proceedings. January 1, 1981
No. 013/81-6-25 Effective date:	Complementary authorities. immediate
No. 014/81-9-16 Effective date:	Filing of Notices of Objection. September 16, 1981

No. 015/81-12-2 Effective date:	Change of name of licence holders P.C.V. operating licences. immediate
No. 016/81-12-2 Effective date:	Issuance of summonses. December 2, 1981
No. 017/82-6-22 Effective date:	Commercial motor vehicle lease approval. July 1, 1982
No. 018/82-12-22 Effective date:	Metrication of weight, size and distance in applications. December 22, 1982
No. 019/83-1-31 Effective date:	Metropolitan Toronto commercial zone. immediate
No. 020/83-3-23 Effective date:	Procedures for issuing non-permanent authorities. May 30, 1983
No. 021/83-4-14 Effective date:	In-transit authorities. immediate
No. 022/83-6-27 Effective date:	Applications received after June 21, 1983. immediate
No. 024/83-8-16 Effective date:	Form of headings for orders, certificates and reports. August 22, 1983
No. 025/83-8-18 Effective date:	Requests for adjournments. immediate
No. 026/83-10-5 Effective date:	Listings for the Ontario Gazette. immediate

Policy Statements published by the Board during the period January 1 - December 31, 1983, are appended to this report.

METROPOLITAN TORONTO COMMERCIAL ZONE

The Board published notice in the Ontario Gazette of December 4, 1982 of a public meeting to address the subject of the extension of the boundaries of what is commonly known as the Metropolitan Toronto Area Commercial Zone.

The Notice of that public hearing read as follows:

"NOTICE OF PUBLIC MEETING

What is known as the "Metro A" licence is an authority held by a large number of Public Commercial Vehicle Operators authorizing them to serve the Metropolitan Toronto "Commercial Zone". The description of this zone has been extended over time to accommodate the needs of shippers and carriers to serve an expanding Metropolitan Toronto commercial area. Although there are variations the present standard description is:

For the carriage of goods, between Metropolitan Toronto and the City of Mississauga, excluding the Toronto International Airport, that part of the Town of Vaughan bounded on the west by King's Highway No. 400, on the north by Sherwood Road (also known as Carrville Road) and on the east by Keele Street running south to Langstaff Road and by Dufferin Street running south from Langstaff Road, that part of the Town of Markham bounded on the north by Carrville Road (also known as 16th Avenue) and on the east by Kennedy Road, that portion of the City of Brampton bounded on the north by Peel Regional Road No. 16, the Town of Ajax and that part of the Town of Pickering on and south of King's Highway No. 7.

PROVIDED there be no service to or from that portion of the City of Brampton known as the Town of Brampton as at December 31st, 1973.

PROVIDED FURTHER that the licensee shall not transport any shipment exceeding 3,000 pounds in weight from the installations of Domtar Construction Materials Limited and/or Canada Brick a division of Martin-Marietta (Canada) Limited in the City of Mississauga, the Town of Vaughan or the City of Brampton unless previously authorized.

In the Greystone Cartage & Express Ltd., decision issued on June 23, 1982 the Board granted a geographic extension to a "Metro A" area and indicated that the existing "Metro A" boundaries are due for revision, at least so far as they restrict the licence holder to serving a portion of certain municipalities.

The Board has now received a large number of similar applications to eliminate these split municipalities and has indicated to the applicants that a policy meeting will be held to receive submissions on how such applications and the issues they raise may best be dealt with.

The terms of these applications are as follows:

"For the carriage of goods between:

1. Metropolitan Toronto;

2. the City of Mississauga;
3. the City of Brampton;
4. the Town of Markham;
5. the Town of Vaughan;
6. the Town of Ajax
7. the Town of Pickering."

The purpose of this public meeting will be to develop a procedure for dealing with these applications and any similar ones that may be filed on an expeditious basis and to consider any other matters relevant to licensing within the Metro Toronto Commercial Zone including the advisability of any other changes in the "Metro A" language.

The Board proposes to issue a policy statement as a guide to present and future applicants after hearing submissions at this meeting.

The meeting will be held at 2:00 p.m., on Friday, January 7, 1983 at the Board's Chambers, Hearing Room No. 1, 151 Bloor Street West, 10th Floor, Toronto, Ontario.

Interested parties are invited to attend.

Parties unable to attend are encouraged to send their comments in writing to the Secretary of the Board."

The meeting was well attended and the Board received numerous helpful submissions all of which have been taken into consideration in the development of the following policy statement.

The Board would like to thank all those who attended for their time and interest.

019/83-01-31

POLICY STATEMENT

Item: METROPOLITAN TORONTO COMMERCIAL ZONE

Objective: TO STATE BOARD POLICY

Policy: 1. The Board will receive applications from carriers with authority to serve the present Metropolitan Toronto Commercial or Metro A area on a cartage or Class "A" basis in the following terms:

"For the carriage of goods between Metropolitan Toronto, the City of Mississauga, the City of Brampton, the Town of Markham, the Town of Vaughan, the Town of Ajax and the Town of Pickering.

2. Applications received prior to April 1, 1983 will be published and heard together.
3. A prehearing conference will be held to establish:
 - 1) the procedural format for the hearing, and
 - 2) what issues, if any, are contentious and how they can best be addressed at the hearing.

Individual applicants will not be required to produce witnesses, other than company witnesses, except as may be determined at the pre-hearing conference.

Representatives of a number of carriers that presently serve the additional area applied for expressed concern that if the applications were granted they would be subject to a sudden and dramatic increase in competition. This was in their view unfair and the Board was asked whether it would consider alleviating any hardship that might be created by granting them additional authorities.

The exact nature and extent of the impact on existing carriers of the insertion of such a large number of additional competitors will depend on the particular resources, licensing and operating characteristics of each such carrier.

The Board must consider as a part of public necessity and convenience the ability of carriers under their existing operating licences to compete, to be efficient and to remain viable. The Policy Statement effective 11th August 1979 issued pursuant to The Public Commercial Vehicles Act, R.S.O. 1980, Chapter 407, in its preamble speaks of the "need for an efficient and viable transportation industry" that will under Items 2 and 6 of the same Statement

2. use capital, equipment and manpower resources efficiently
6. be characterized by effective competition both within the trucking industry and between the trucking industry and other modes;

It follows that those carriers who consider their present operations adversely affected by any applications that may be successful and who are satisfied that they can establish as part of the proof of public necessity and convenience that an additional operating authority will assist them in satisfying these policy guidelines are free to bring forward applications that will address such matters.

Further to the public meeting advertised in the Ontario Gazette of December 11, 1982 and held on January 14, 1983 the Board has adopted the following Policy Statement with respect to the issuance of non-permanent operating authorities.

020/83-02-23

POLICY STATEMENT

Item: Procedures for issuing non-permanent authorities pursuant to **The Public Commercial Vehicles Act** and **The Public Vehicles Act** of Ontario and **The Motor Vehicle Transport Act (Canada)**.

Objective: To provide an efficient, equitable and flexible system for considering applications for special, temporary and interim authorities.

Comment: The Board issues three (3) types of non-permanent operating authority as follows:

1. **Special Authority** is granted for a period of up to seven days. It is normally applied for by telegram or telex but the Board may act upon any written request. The Minister has delegated to certain members of the Board his power to issue such an authority under Section 6(4) of The Public Commercial Vehicles Act and Section 5(6) of The Public Vehicles Act.
2. **Temporary Authority** is applied for on the standard application form and must be accompanied by affidavit evidence from the shipper(s) requiring the service. The authority normally provides that it will expire at the end of a specified term or upon a specified day and contains language providing for its earlier cancellation upon the determination by the Board that an existing licensed carrier is in a position to provide the service or that the service is no longer required.
3. **Interim Authority** is also applied for on the standard application form and must be accompanied by affidavit evidence from the shipper(s) requiring the service along with an application for permanent authority. An interim authority terminates when a decision is rendered on the application for permanent authority or, similar to the temporary authority, upon the determination by the Board that an existing licensed carrier is in a position to provide the service or that the service is no longer required.

Statement: The Board will issue a non-permanent operating authority if it is satisfied that it has received a request to meet an urgent need to provide a service that no currently licensed carrier is able to provide.

Special Authority

Applications for special authority are normally applied for and issued or denied by means of telex or telegram, although they may be requested and the decision may be issued in any written form. Such applications are considered in Chambers without public notice but copies of decisions are posted on the Board's Bulletin Board on the 10th Floor at its offices at 151 Bloor Street West, Toronto.

These authorities usually involve specific moves and are issued for a maximum period of seven days but may be renewed to a maximum of twenty-one days to accommodate an emergency of such duration or to allow additional time for the filing and disposition of an application for temporary or interim authority. To be eligible for a special authority the legislation requires that the applicant be the holder of a current operating licence.

Temporary and Interim Authority

Applications for temporary or interim authority are normally considered without hearing or public notice. They are made on the standard application form and must be identified as a temporary or interim application and be accompanied by affidavit(s) from the shipper(s) requiring the service and the normal application fee.

The affidavit(s) should outline:

- (a) the reason for the urgency;
- (b) the product and the volume of the product to be transported;
- (c) the steps taken by the shipper to ascertain what authorized carriers, if any, are available to perform the service; and
- (d) the rate to be paid.

The Board may:

- (a) deny the application;
- (b) issue a certificate; or
- (c) request further information.

Once the application has been received a copy will be posted on the Board's Bulletin Board. Opposition may be filed with respect to such an application within seven days of its posting and should indicate that an offer to provide the required service has been made to the shipper. The opposition and notice may be in the form of a telex, telegram or written advice to the Board and a copy must be sent in a similar manner to the applicant.

The Board will set aside a day each week at 9:00 a.m. for the consideration of submissions made with respect to applications for which opposition has been filed during the previous seven days. Submissions may be entirely or partially in writing and need not be sworn.

In special circumstances the Board may order that a particular application may be heard at a specific time and place other than the regular hearing and notice shall be given to those who have filed opposition.

The sitting panel may:

- (a) deny the application;
- (b) issue a certificate; or
- (c) adjourn the hearing.

Opposition to an application received after the seven day period but prior to the issuance of a decision on the application may be heard at the next subsequent weekly meeting.

Opposition to an application filed with the Board after a certificate has been granted may be heard by the Board as soon as reasonably possible at a time and place to be set by the Board. Notice of the hearing will be given the applicant and the respondents by telex or telegram and posted on the Board's Bulletin Board. The Ontario Trucking Association or the Ontario Motor Coach Association will also be notified of the hearing.

If no opposition is filed within the seven day period the Board may proceed to issue or deny the application in Chambers.

Special Circumstances

The Board may also issue non-permanent authorities in special circumstances; for example, where the issuance of such an authority will permit the continuation of a service previously provided by the applicant under an operating licence, (see Board Policy Statement No. 004/79-8-2 'Renewal of a Public Commercial or Public Vehicle Operating Licence').

Effective date: May 30, 1983.

021/83-04-14

POLICY STATEMENT

Item: IN TRANSIT AUTHORITIES

Objective: TO OUTLINE BOARD POLICY WITH RESPECT TO IN-TRANSIT AUTHORITIES.

Policy: No certificate is to be issued for an 'in-transit' authority through Ontario either to an existing licensee or a new applicant unless that licensee or applicant files with the Board authorities from the jurisdictions he wishes to join by passing in transit through the Province of Ontario.

Effective date: immediate.

POLICY STATEMENT

Item: PROCEDURE FOR ALL APPLICATIONS RECEIVED BY THE BOARD ON OR AFTER JUNE 21, 1983

Policy: Each and every application received by the Ontario Highway Transport Board under a postmark of June 21, 1983 or later shall, if approved, be issued on a temporary basis only.

The operating licence that results shall be temporary and conditional and expire July 1, 1985 or such earlier date if events make such operating licence redundant.

Wording for orders and certificates will be the basis of a later memorandum.

N.B. If the Public Commercial Vehicles Act is changed these applications will be dealt with as applications under whatever the new system is and the licence held at that time will be replaced in accordance with any new requirements which may exist at that time. If no change in the method of dealing with for-hire transportation is legislated to be effective by July 1, 1985, then an extension of the temporaries or a permanent operating authority may be put in place.

Effective date: Immediate.

POLICY STATEMENT

- Item:* FORM OF HEADINGS FOR ORDERS, CERTIFICATES AND REPORTS
- Objective:* To clarify which date should be used on Orders, Certificates, Reports and Reasons for Decision.
- Comment:* In the past it has been the practice that orders, certificates and reports of this Board recite in their headings all of the dates upon which proceedings relating to the subject matter were held. Frequently some period intervenes between the termination of a Hearing and the date upon which the Order, Certificate or Report is issued, and I am advised that some confusion exists with respect to the "date" of the Board's Order or Certificate, or of the "making" of Board's decision or Order, as it relates to the statutory limitations upon the time for instituting a Petition to the Lieutenant-Governor-in-Council or an appeal to the Divisional Court.
- Policy:* To eliminate any such confusion, the Heading of all our Certificates or Reports will in future bear only the first day and date upon which the application is heard. Similarly, Reasons for Decision will bear only the day and date upon which they are published. Members may, if they wish, recite in their reasons the days and dates upon which the application was heard, but they need not do so. When the reasons are issued at some time subsequent to the certificate or order to which they relate they should include a final paragraph that these are reasons on which the Board's certificate or order signed on (date) was issued.
- On every order, certificate and report, the final paragraph will make provision for entering the day, the date, the month and the year:
- e.g., Thursday, the 23rd day of June, 1983.
- The day, date and month will be entered by the Member on the two signed copies and that information shall be typed in on the other copies by the party mailing the certificate, order or report.
- Effective date:* August 22, 1983.

POLICY STATEMENT

Item: ADJOURNMENTS

Objective: To establish a policy on requests for adjournments.

Comment: It has been noted that a large number of adjournments are being sought. Approximately ninety-four (94) were obtained during the first seven months of the year 1983.

The Board has endeavoured to co-operate with all parties. It provides a seminar each Thursday afternoon at 4:00 p.m. at which time the parties or their representatives may indicate any scheduling problems they may have relative to the forthcoming applications. Within reason a hearing date satisfactory to all parties can be established within the Board's schedule at a convenient location.

The current applications ready to be scheduled for future hearing dates are available to all parties each Thursday. The applicant or any party affected by the application may express their problems at that time. Despite this exercise in co-operation, there has been an inordinate number of adjournments. These adjournments not only disrupt the Board's schedule but more importantly they create delays in the consideration of hearings that could proceed if this vacated time could be reduced or eliminated.

Policy: Adjournments shall be granted for reasonable cause only, e.g., illness, severe weather disturbances or other unforeseeable events.

Requests for adjournments shall be submitted in writing to the Secretary of the Board no later than:

- (a) seventy-two (72) hours prior to the date of any hearing to be held at the Board's Chambers, 151 Bloor Street West, or
- (b) seven (7) days prior to the date of a hearing to be held at a point other than the said Board's Chambers.

Saturdays, Sundays and holidays are excluded from the time calculations on (a) and (b) above.

Co-operation from all parties in these matters will assist the Board to ensure its time is more fully utilized and that no avoidable delays affect any applications.

Effective date: Immediate.

POLICY STATEMENT

- Item:* LISTINGS FOR THE ONTARIO GAZETTE
- Objective:* To expedite the period required to advertise and consider the applications to the Board.
- Policy:* Listings for the Ontario Gazette will be closed off Thursday at 12:00 noon Toronto time. The Notices will be signed by the Secretary and forwarded to the Queen's Printer no later than 3:30 p.m. each Thursday, except when the succeeding Monday is a holiday, in that instance the Gazette Notices will be closed off on Wednesday at noon hour and the Notices shall be forwarded to the Queen's Printer Wednesday afternoon no later than 3:30 p.m.
- Effective date:* Immediate.

APPENDIX 'C'

THE ONTARIO HIGHWAY TRANSPORT BOARD

REVENUE

January 1st to December 31st, 1983

Application Fees	\$125,945.00
Court Costs	31,625.75
Tariffs (including copies)	59,882.61
Credits and U.S. Exchange	1,492.12
Miscellaneous	13,955.75
Gross Revenue	\$232,901.23
Refunds and N.S.F. Cheques	- 4,384.00
Net Revenue	\$228,517.23

APPENDIX 'D-1'

THE ONTARIO HIGHWAY TRANSPORT BOARD

APPLICATIONS RECEIVED

January 1st to December 31st, 1983

CLASS

Public Commercial Vehicles Act

A	294
C	80
D	765
E	11
F	48
FF	3
FS	33
H	76
K	23
L	0
R	632
T	73
W	18
Y	<u>32</u>
	<u>2088</u>

Public Vehicles Act

PV	191
PVS	<u>147</u>
	<u>338</u>

Motor Vehicle Transport Act (Canada) 1153

Total 3579

Public Vehicle Tariffs 98

APPENDIX 'D-2'

THE ONTARIO HIGHWAY TRANSPORT BOARD

APPLICATIONS PROCESSED

January 1st to December 31st, 1983

CLASS	TOTAL	GRANTED	DENIED	# of CASES OPPOSED	# of RESPONDENTS
A	288	279	9	172	341
C	64	59	5	24	69
D	589	514	75	69	217
E	11	11	—	—	—
F	40	37	3	2	3
FF	2	2	—	1	2
FS	25	23	2	2	3
H	59	48	11	20	55
K	21	18	3	8	25
L	19	19	—	—	—
R	649	496	153	11	19
T	59	49	10	18	44
W	84	50	34	73	188
Y	35	35	—	—	—
PCV'S	1945	1640	305	400	966
PV	127	110	17	27	66
PVS	141	137	4	2	3
PV'S	268	247	21	29	69
Goods	864	757	107	143	447
Freight Forwarders	2	2	—	1	5
Passengers	82	78	4	9	23
MVTA'S	948	837	111	153	475
TOTAL	3161	2724	437	582	1510

	Jan.	Feb.	Mar.	Apr.	May	Jun.	Jul.	Aug.	Sept.	Oct.	Nov.	Dec.	Total
Tariffs	11	18	1	10	4	17	12	3	9	4	1	9	99
Reasons for Decision	9	10	17	9	18	23	14	3	9	9	13	6	140
Applications Withdrawn	50	51	63	64	48	41	35	33	52	57	97	33	624
Telegram Authorities	42	54	75	39	41	61	55	57	48	48	53	35	608

APPENDIX 'D-3'

THE ONTARIO HIGHWAY TRANSPORT BOARD BOARD DECISIONS – AFTER PUBLIC HEARING FOR 1983

APPLICATIONS

CLASS	Total	Denied	Granted	Transfers	
				Shares	Licence
A	193	2	191	—	7
C	27	3	24	—	—
D	111	20	91	—	1
E	1	—	1	—	1
F	4	2	2	—	—
FF	1	—	1	—	—
FS	2	—	2	—	—
H	22	4	18	—	1
K	9	2	7	—	2
L	—	—	—	—	—
R	330	106	224	—	2
T	19	3	16	—	—
W	78	34	44	—	—
Y	—	—	—	—	—
PCV'S	797	176	621	—	14
PV	28	8	20	—	4
PVS	2	2	—	—	—
PV'S	30	10	20	—	4
PCVX	194	26	168	3	12
FFX	1	—	1	—	—
PVX	10	3	7	—	1
MVTA'S	205	29	176	3	13
TOTAL	1032	215	817	3	31

APPENDIX 'D-4'

THE ONTARIO HIGHWAY TRANSPORT BOARD OUT OF TOWN AND JOINT PROVINCIAL HEARINGS held January 1st to December 31st, 1983

APPLICATIONS HEARD

Month	Location	Number	Adjourned	Granted	Denied	Withdrawn
January	Brantford	1	—	1	—	—
	Saskatchewan	1	—	1	—	—
	Saskatchewan	1	—	1	—	—
	St. Catharines	1	—	1	—	—
	Sudbury	2	—	2	—	—
	Peterborough	1	—	1	—	—
	Ottawa	11	—	10	1	—
	Whitby	1	—	1	—	1
	Welland	1	—	—	—	1
	Thunder Bay	4	—	3	—	—
	JOINT HEARING					
February	London	2	—	2	—	—
	Windsor	3	1	—	—	2
	Sarnia	3	2	1	—	—
	Dryden	3	3	—	—	—
March	Dryden	2	—	2	—	—
	Thunder Bay	3	—	2	1	—
	Windsor	7	—	6	1	—
	Kitchener	10	—	4	4	2
	London	13	—	10	1	—
	Bancroft	1	—	1	—	—
	Ottawa	9	—	6	3	—
	St. Catharines	3	—	—	1	2
	Barrie	2	—	—	—	—
	JOINT HEARING					

Month	Location	Number	Adjudged	Granted	Denied	Withdrawn
April	Windsor	4	1	3	—	—
	Hamilton	10	1	3	5	1
	Sarnia	2	—	1	1	—
	Peterborough	13	—	5	8	—
	Kingston	5	—	4	—	1
	Ottawa	37	3	25	6	3
	Dryden	10	—	6	2	2
	Fort Frances	4	—	2	2	—
	Thunder Bay	14	—	10	4	—
	Sault Ste. Marie	10	2	3	2	3
May	Welland	2	—	1	1	—
	Sudbury	10	—	7	3	—
	North Bay	21	—	14	7	—
	Kapuskasing	6	1	2	1	2
	Bancroft	1	—	1	—	—
	Timmins	8	1	3	4	—
	Ottawa	9	—	7	2	—
	St. Catharines	1	—	1	—	—
	North Bay	2	—	2	—	—
	Timmins	2	1	1	—	—
June	Kitchener	1	—	—	—	1
	Windsor	12	6	4	1	1
	Dryden	9	1	4	4	—
	Sudbury	2	—	—	—	2
	Thunder Bay	28	5	16	5	2
July	Windsor	4	1	3	—	—
	Hamilton	10	1	3	5	1
	Sarnia	2	—	1	1	—
	Peterborough	13	—	5	8	—
	Kingston	5	—	4	—	1
	Ottawa	37	3	25	6	3
	Dryden	10	—	6	2	2
	Fort Frances	4	—	2	2	—
	Thunder Bay	14	—	10	4	—
	Sault Ste. Marie	10	2	3	2	3

APPLICATIONS HEARD — cont'd.

Month	Location	Number	Adjourned	Granted	Denied	Withdrawn
August	Sault Ste. Marie	10	4	3	3	—
	Sudbury	17	1	9	5	2
	Windsor	4	1	2	—	1
	North Bay	18	2	11	3	2
	Timmins	12	2	2	5	3
	Kapuskasing	24	1	18	5	—
	Niagara Falls	2	—	2	—	—
	Ottawa	24	2	13	6	3
	Peterborough	4	—	3	1	—
	Windsor	7	1	5	1	—
September	Kingston	5	1	4	—	—
	Ottawa	20	—	12	7	1
	St. Catharines	6	—	3	2	1
	London	6	3	2	—	1
	Kitchener	1	—	1	—	—
	Welland	1	1	—	—	—
	Waterloo	5	—	3	2	—
	London	7	2	5	—	—
	Niagara Falls	1	—	—	—	1
	Sudbury	8	—	4	1	3
October	North Bay	3	—	1	—	2
	Owen Sound	1	—	1	—	—
	Peterborough	1	1	—	—	—
	Sault Ste. Marie	4	3	—	—	1
	Ottawa	1	1	—	—	—

APPLICATIONS HEARD — cont'd.

Month	Location	Number	Adjourned	Granted	Denied	Withdrawn
November	Ottawa	18	6	6	3	3
	Windsor	3	2	—	—	1
	Kingston	2	2	—	—	—
	London	2	—	—	—	2
	Brantford	1	1	—	—	—
	Thunder Bay	3	—	2	—	1
December	London	1	1	—	—	—
	Barrie	2	2	—	—	—
TOTAL		532	68	294	114	56

APPENDIX 'D-5'

THE ONTARIO HIGHWAY TRANSPORT BOARD

BOARD DECISIONS — IN CHAMBERS

for 1983

APPLICATIONS

CLASS	TEMPORARIES/INTERIMS			PERMANENT		TRANSFERS		
	Applications	Denied	Granted	Applications	Denied	Granted	Applications	Shares
A	48	7	41	26	—	26	14	7
C	20	2	18	13	—	13	4	2
D	122	55	67	307	—	307	48	46
E	1	—	1	4	—	4	2	2
F	4	1	3	15	—	15	17	1
FF	—	—	—	1	—	1	—	—
FS	4	2	2	6	—	6	13	—
H	9	7	2	13	—	13	14	14
K	1	1	—	4	—	4	5	1
L	—	—	—	19	—	19	—	—
R	80	46	34	45	1	44	192	2
T	16	7	9	21	—	21	3	1
W	1	—	1	4	—	4	1	1
Y	6	—	6	29	—	29	—	—
PCV'S	312	128	184	507	1	506	315	18
PV	31	9	22	44	—	44	20	3
PVS	24	2	22	64	—	64	51	2
PV'S	55	11	44	108	—	108	71	5
PCVX	197	78	119	401	3	398	57	28
FFX	—	—	—	1	—	1	—	—
PVX	5	1	4	59	—	59	7	1
MVTA	202	79	123	461	3	458	64	29
TOTAL	569	218	351	1076	4	1072	450	52
								398

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Ontario Highway Transport Board

ANNUAL REPORT

1984



ANNUAL REPORT
OF
THE ONTARIO HIGHWAY TRANSPORT BOARD
for the year ending December 31, 1984

ANNUAL REPORT
OF
THE ONTARIO HIGHWAY TRANSPORT BOARD
for the year ending December 31, 1984

The Ontario Highway Transport Board pursuant to Section 28 of the Ontario Highway Transport Board Act, R.S.O. 1980, Chapter 316, begs leave to submit its twenty-ninth Annual Report upon its affairs to the Honourable the Minister of Transportation and Communications for the calendar year 1984.

Members of the Board:

G.C. Marrs	Chairman
G.J. Norton	Vice-Chairman
R.D. Sloan	Vice-Chairman
J.A. Wardrop	Member
J.M. Duncan	Member
E.J. Canning	Member
C.F. Bark	Member
M.H. Shecter	Member

To. The Honourable John Black Aird
O.C., Q.C., B.A., LL.D.
Lieutenant-Governor of the Province of Ontario

MAY IT PLEASE YOUR HONOUR:

The undersigned takes pleasure in submitting the
Annual Report for the Ontario Highway Transport
Board for the calendar year ending December 31,
1984.

Respectfully submitted,

A handwritten signature in dark ink, reading "Ed Fulton". The signature is written in a cursive style with a large, stylized "E" and "F".

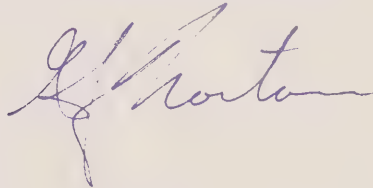
Ed Fulton,
Minister

To: The Honourable Ed Fulton,
Minister of Transportation and
Communications

Sir:

I have the honour to present the report of the activities
of The Ontario Highway Transport Board for the
calendar year ending on December 31, 1984.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'G.J. Norton', with a stylized, flowing script.

G.J. Norton,
Acting Chairman

1984 ANNUAL REPORT OF THE BOARD

EXECUTIVE

Mr. George C. Marrs, Chairman since April of 1983, reached official retirement age in November. He was the first Secretary when the Board was formed in 1955, and subsequently became a Member and Vice-Chairman. He was terminally ill at the end of the year.

ADMINISTRATION

Continuing efforts were made to modernize internal systems, upgrade the training of support staff, and create new procedures to ensure the finest possible levels of service to the regulated industries and the public. Additional automated equipment was introduced to provide increased access to the Ministry of Transportation and Communications main computer at Downsview. Preparations were completed which will enable electronic transfer of licence and certificate data between the Board and the Ministry.

PUBLIC INFORMATION

Additional members of the staff were dedicated to duties at the public counter to improve service and efficiency. Booklets to assist applicants regarding the application process, wording, and procedures before the Board continue to be invaluable. Copies are available without charge.

POLICY DEVELOPMENT

Policy Hearings

As in previous years, hearings for Class 'R' licences were grouped in the Spring and Fall. Data and information is provided to the Board concerning availability of dump vehicles and anticipated demand for services. It is still evident that a high level of dormancy in vehicles authorized exists across the Province. Leasing of licences from operators with excess capacity to unlicensed vehicle owners is a developing problem which has been spawned by the high dormancy rate. The Board once again recommends that a plan and formula be devised to resolve the dormancy problem.

CANADIAN CONFERENCE OF MOTOR TRANSPORT ADMINISTRATORS

The Board continues to participate in the developmental work of the Conference and is a major contributor at meetings dealing with regulatory reform, legislation and policy issues. A great deal of progress has been made, in co-operation with other jurisdictions, in the development of national positions regarding reform and re-regulation issues.

TRANSPORTATION POLICY

Public Vehicle Tariffs

The Minister of Transportation and Communications refers new or revised public vehicle tariffs to the Board in order that public hearings may be held and a report made to the Minister. Only school bus home to school trips and charter trips are exempt. Matters considered include salaries and wages, vehicle replacement, maintenance, operating and fuel costs.

Commercial Motor Vehicle Leases

In 1982, the Board discontinued the practice of determining the legality of leasing arrangements involving commercial motor vehicles. A process was subsequently implemented by

the Ministry whereby any holder of an operating licence wishing to lease a commercial motor vehicle may make application to the Carrier Licensing and Information Office for a vehicle licence.

U.S. Freight-in-Bond Movements

American for-hire carriers, transporting freight-in-bond have been authorized to operate through Southern Ontario between the States of Michigan and New York for a number of years under the terms of a Class 'L' operating licence. Complimentary I.C.C. authority was a pre-requisite. Permits were required for each move at a cost of \$20.00 which exempted the vehicle from operating licence requirements. Ontario registration fees and fuel tax movements were restricted between specific boundary points and over specific routes.

Ontario has negotiated bilateral registration reciprocity agreements with 38 U.S. jurisdictions, including Michigan and New York. Therefore the need for Class 'L' permits has gradually lessened, but the need for an operating licence remains the same. A new class of licence has been introduced – the Class 'Y' – which authorizes unlimited operation of a commercial motor vehicle transporting freight-in-bond between the same points and over the same routes. There is an annual fee of \$50.00 for each vehicle.

Carriers based in a jurisdiction which does not have a vehicle registration reciprocity agreement with Ontario are required to purchase Ontario registration for each vehicle listed.

Intercompany Private Trucking

Introduced in 1982, intercompany trucking was introduced to permit corporations with a 90 percent common level of ownership to transport each others goods for compensation without a public commercial vehicle operating licence.

Certificates of intercompany trucking exemption have been issued to 158 Canadian and U.S. corporations involving a total of 750 subsidiaries.

The program has been monitored since implementation to determine the impact on both intercompany and for-hire carriers. The committee responsible to the Minister for monitoring has found difficulty in identifying any major impacts as apparently the short period of time since the legislation was introduced, and the depressed level of the economy, has limited the number of major intercompany trucking implementations. Some of the smaller firms, however, have achieved significant benefits while larger companies appear to be using the privilege to make incremental improvements in their distribution operations. The committee – comprised of Board and Ministry staff members – has been unable to identify any negative impacts on for-hire carriers. It has been determined that intercompany trucking remains an undeveloped practice in Ontario, and as a result a definitive assessment of its impact cannot be made at this time.

P.C.V. Act Review

The Implementation Steering Committee was formed to expand the work commenced by the Public Commercial Vehicles Act Review Committee and to implement the reforms outlined in their report: "Responsible Trucking". Mr. George C. Marrs, Chairman of the Board, was a member of the I.S.C.

The basis of the proposals is that emphasis should be on performance rather than entry controls, and stresses that the new Act should ensure an effective highway goods movement system based on effective competition. Principles of fairness, simplicity, participation in the local economy by all carriers, and controlled change to allow participants time to adjust are considered essential. Under the new Act, it is proposed that the test of public necessity and convenience be replaced with a fitness test. The tests will examine competency, the operational and financial fitness of the applicant, and are designed to ensure the applicant is prepared for the responsibilities and risks of the planned operation.

To carry out the many facets of the proposals, a number of committees were formed in 1984. They included the Licence Rewrite Commission, and the Rates, Enforcement, Competency and Agency Reform Committees. With the exception of the Agency Reform Commission, all others were scheduled to report in the Spring of 1985. At least one member of the staff of the Ontario Highway Transport Board is on each of the committees with the exception of the Licence Rewrite Commission.

The mandate of the Rates Committee was to determine the future of rate filing, collective rate-making and the operation of tariff bureaux. The Competency Committee was asked to devise a plan which would provide for the education, examination and certification of persons wishing to obtain a public commercial vehicle operating licence. A competency certificate is to be a pre-requisite. The Enforcement Committee examined all aspects of the enforceability of current and proposed legislation and is to make recommendations particularly with respect to the proposed Commercial Vehicle Operator Registration plan; owner/driver problems; and single source leasing. Finally, the Agency Reform Committee was to examine present and proposed Board functions including: the Board as a licensing agency; as a Court, as a review agency; and as an arbitration agency; and to make recommendations respecting Board functions relating to fitness and market tests.

The Board, the trucking industry, representatives of manufacturing and shipping interests and government officers are working together to ensure that the new Public Trucking Act will be fair to all and designed to foster the development of a profitable, responsible and efficient highway transportation system.

Public Vehicles Act Review

In September of 1982, a Bus Committee was created by the Minister to provide a forum within which policies related to inter-city bus operations and regulations could be formulated for his consideration. The Chairman of the Ontario Highway Transport Board is a member. In addition to affected M.T.C. offices, there is also representation from other ministries, and from consumers and carriers.

The main focus over the past two years has been to find a way in which essential transportation services can be maintained in rural areas. Ties between charters and line runs allow for unprofitable or marginal line runs to be cross-subsidized by charter operations. That notwithstanding, line run carriers are finding it more and more difficult to maintain existing line run service.

Much of the work of the committee has revolved around the problems which might accompany the separation of line run and charters. While the present position is that ties should be strengthened, there should be provision for "charter only" licenses in those cases where they will not undermine the provision of viable line run services. The Board will also have a more proactive role as any such regulatory system will involve more stringent entry, performance and exit controls.

Bus-rail relationship is another issue facing the committee. The heavily subsidized Via-Rail competes with the unsubsidized inter-city bus industry to the disadvantage of the latter. Via has received a strongly worded letter from the Minister regarding Via's pricing policy. The concern is to ensure the continued viability of bus services in the major corridors which cross-subsidize the less viable feeder services.

Pupil transportation is also a major issue under review at this time. It has been recommended by the Ontario Motor Coach Association that school bus licensing be removed from the Act, and that charters flowing from such licences be restricted to schools/school boards with whom the carrier has a contract.

In January of 1984, those related issues were referred by the Minister to the Ontario Highway Transport Board for a formal review and report. School Bus Operators, school board

officials, as well as the Ontario Motor Coach Association made formal representations at the hearing. The recommendations coming out of the hearing essentially agree with the O.M.C.A. position, but have yet to be approved by the Minister.

Finally, the issue of municipal transit charters is one which has been under extensive review. The industry recommendation is that provincially subsidized municipal transit operations should not be allowed to compete in the inter-city charter market. The Minister has agreed in principle with this recommendation. Ministry staff are currently reviewing the overall issue of the role of urban transit operators in the Public Vehicles sector.

International Transborder Trucking

The Ontario Highway Transport Board conducted hearings in 1983 to determine if a major shift in the balance of trade in trucking services was likely, and what effect such a shift would have on the trucking industry and the service to Ontario shippers, receivers and consumers.

It was noted in the Board's report that there is substantial excess capacity in the trucking industry and profits have shrunk; the industry as a whole is financially stretched – especially the larger carriers. U.S. carriers are in better financial shape, and their bigger ones dwarf their Canadian and Ontario counterparts.

The Board's report concluded that information available on the trucking industry in Canada is fragmented and unco-ordinated, and recommended that steps should be taken to improve and upgrade the flow of vital information needed for effective strategic planning and public policy information.

The Government considered the Board's report, and in the summer of 1984 issued a Statement of Government Policy on International Transborder Trucking. That policy states:

The Government has considered the Board's report which outlines the concerns of a number of parties submitting briefs to it. The Government has also considered the current climate of international trade with the United States as well as representations from the federal minister responsible for this area.

In stating its policies on this matter, the Government wishes first to reaffirm certain basic principles, including;

- 1) that nationality of ownership and/or domicile of trucking companies are not now nor should become criteria for decision making concerning the entry, expansion, or acquisition of trucking operations in Ontario,
- 2) the Board direction for trucking regulatory reform in Ontario is as set out in the document "Responsible Trucking" and as currently being implemented with a target date of January 1, 1986,
- 3) the Ontario portion of extra-provincial (including international) trucking operations should continue to be regulated in essentially the same manner as intra-provincial operations.

Within the framework of these principles the Ontario Government recognizes that trucking must be regarded as a service to the economy of the province and that international trucking is an increasingly important aspect of international trade. Increased participation in the international marketplace by Ontario industry and manufacturers will be of benefit in terms of increased employment opportunities.

In this regard, the Ontario Government is strongly committed to the principles contained in the five-point agreement on international trucking between Canada and the United States. Under this agreement both sides subscribe to providing full, fair and equitable opportunities among truckers from both countries to compete for the carriage of international traffic. Also included is a

commitment to improving the flow of commerce, and to investment policies that will favour economically efficient competition.

The Government also recognizes the concerns of Ontario carriers that the relatively large scale of many U.S. trucking companies and their large market base in the United States gives them an advantage, especially in the short term, which would be difficult for Ontario carriers to adjust to, much less overcome. In fact the five-point agreement speaks to this problem in its concern to identify and avoid any major shift in the balance of trade in trucking services.

The Government believes that the new regulatory environment outlined in "Responsible Trucking" should provide an appropriate longer term method of balancing these adjustment concerns within the overall objective of supporting international trade. The primary consideration is therefore to ensure that such a balancing of concerns takes place in the period prior to the full introduction of the new regulatory reforms.

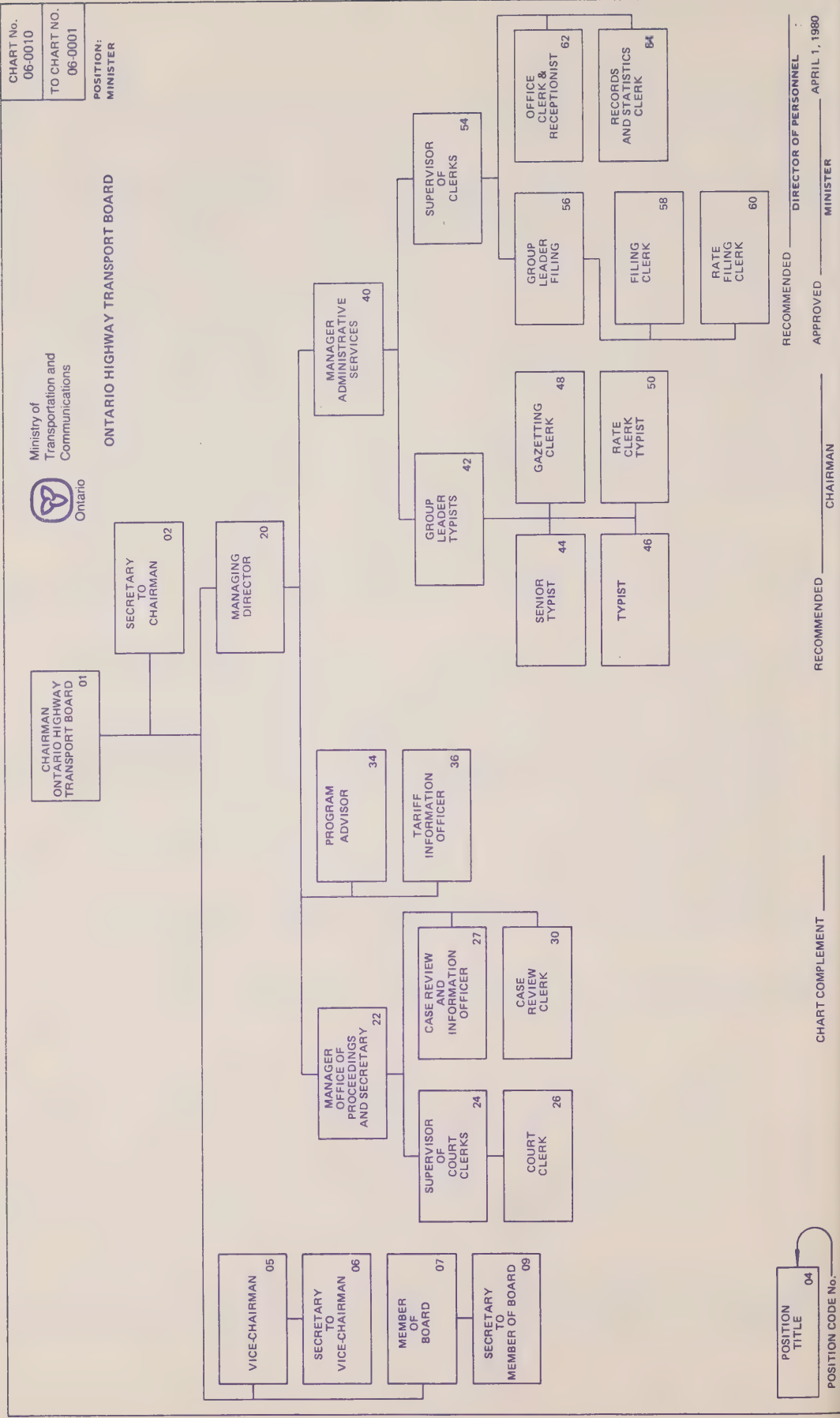
The Ontario Government has, therefore, adopted the following interim guideline in addition to existing guidelines:

In considering applications for international operating authorities, or transfers of existing authorities, the Ontario Highway Transport Board will pay particular attention to:

- the importance of international trade with the United States,
- the importance of single line service options to Ontario shippers;
- the need and desires of shippers and consumers in small and large communities in Ontario, and
- the positive net impact on jobs in all sectors of Ontario industry.

In order to avoid major disruptions in the international trucking market and give existing carriers time to adjust, the Ontario Highway Transport Board may give consideration to limiting the scale of a new operation through the imposition of temporary fleet restrictions.

Such operating authorities shall be temporary in nature and subject to re-examination under the new regulatory regime.



APPENDIX 'B'

BOARD POLICIES AND PROCEDURES

Policy Statements

Continuing its practice of publishing formulated policy, Board Policy Statements issued to date are as follows:

No. 001/7809029 (cancelled and superseded by Policy Statement No. 004/79-8-2) Effective date:	Renewal of licence under the Public Commercial Vehicles Act. September 29, 1978
No. 002/79-2-1 Effective date:	Adjournment of Hearing. February 1, 1979
No. 003/79-5-14 Effective date:	Admissibility as evidence of photocopies and microfilm prints. May 14, 1979
No. 004/79-8-2 Effective date:	Renewal of a public commercial or public vehicle operating licence. immediate
No. 005/79-9-7 Effective date:	Recording of hearing proceedings. September 7, 1979
No. 006/79-9-7 Effective date:	Transfers and temporaries. September 7, 1979
No. 007/79-9-7 Effective date:	Cancellation of interim licence of adjournment of hearing. September 7, 1979
No. 008/79-11-19 Effective date: (amended by Policy Statement No. 012/81-1-1)	Expanded use of Section 8 proceedings. immediate
No. 009/80-1-14 Effective date:	Hearing procedures for applications for Class 'R' operating licence. immediate
No. 010/80-9-4 Effective date:	Complementary authorities. Draft for discussion purposes — no implementation date.
No. 011/8 -9-30 Effective date:	Distribution of notices of decision. immediate
No. 012/81-1-1 Effective date:	Amendment to Policy Statement No. 008/79-11-19. Expanded use of Section 8 proceedings. January 1, 1981
No. 013/81-6-25 Effective date:	Complementary authorities. immediate
No. 014/81-9-16 Effective date:	Filing of Notices of Objection. September 16, 1981

No. 015/81-12-2 Effective date:	Change of name of licence holders P.C.V. operating licences. immediate
No. 016/81-12-2 Effective date:	Issuance of summonses. December 2, 1981
No. 017/82-6-22 Effective date:	Commercial motor vehicle lease approval. July 1, 1982
No. 018/82-12-22 Effective date:	Metrication of weight, size and distance in applications. December 22, 1982
No. 019/83-1-31 Effective date:	Metropolitan Toronto commercial zone. immediate
No. 020/83-3-23 Effective date:	Procedures for issuing non-permanent authorities. May 30, 1983
No. 021/83-4-14 Effective date:	In-transit authorities. immediate
No. 022/83-6-27 Effective date:	Applications received after June 21, 1983. immediate
No. 024/83-8-16 Effective date:	Form of headings for orders, certificates and reports. August 22, 1983
No. 025/83-8-18 Effective date:	Requests for adjournments. immediate
No. 026/83-10-5 Effective date:	Listings for the Ontario Gazette. immediate
No. 027/84-4-26 Effective date:	Scheduling of Hearings. immediate
No. 028/84-11-19 Effective date:	Applications for interim and temporary operating licences. December 1, 1984

Policy Statements published by the Board during the period January 1 – December 31, 1984, are appended to this report.

APPENDIX 'B-1'

027/84-4-26

POLICY STATEMENT

Item: SCHEDULING OF HEARINGS

Objective: To outline Board policy with respect to the scheduling of hearings.

Policy: Applications will be listed in such a manner that, dating from the date in the Ontario Gazette each applicant will be heard in sequence unless a request is made by the applicant or his counsel for a date that is later than the strict adherence to our schedule would permit.

The only exception to this rule will be where the Board decides a specific application or applications should be heard on the basis of a priority that alters this sequence and the files should contain a memo explaining why this diversion from the norm has been recommended.

Effective date: immediate.

APPENDIX 'B-2'

028/84-11-19

POLICY STATEMENT

Item: APPLICATIONS FOR INTERIM AND TEMPORARY
OPERATING LICENCES

Objective: To state Board policy.

Policy: Each application for an interim and a temporary operating licence shall require an affidavit from each applicant covering the following:

1. is there any currently licensed carrier available and capable of providing the service you are applying for?
2. has this carrier, if any, been requested to provide the service covered in your application?
3. if not requested, why?
4. if requested, on what basis?

The applicant's affidavit is of course in addition to the affidavits of the shippers described in Policy Statement No. 020/83-2-23.

Effective date: December 1, 1984.

APPENDIX 'C'

THE ONTARIO HIGHWAY TRANSPORT BOARD

REVENUE

January 1st to December 31st, 1984

Application Fees	\$141,790.00
Court Costs	22,806.25
Tariffs (including copies)	55,562.00
Credits and U.S. Exchange	2,831.74
Miscellaneous	<u>6,698.00</u>
Gross Revenue	\$229,687.99
Refunds and N.S.F. Cheques	<u>3,777.99</u>
Net Revenue	\$225,910.00

APPENDIX 'D-1'

THE ONTARIO HIGHWAY TRANSPORT BOARD

APPLICATIONS RECEIVED

January 1st to December 31st, 1984

CLASS

Public Commercial Vehicles Act

A	191
C	50
D	770
E	13
F	37
FF	2
FS	22
H	64
K	28
L	0
R	720
T	81
W	31
Y	43
	<u>2052</u>

Public Vehicles Act

PV	198
PVS	<u>160</u>
	<u>358</u>

Motor Vehicle Transport Act (Canada) 1527

Total 3937

Public Vehicle Tariffs 69

APPENDIX 'D-2'

THE ONTARIO HIGHWAY TRANSPORT BOARD

APPLICATIONS PROCESSED

January 1st to December 31st, 1984

CLASS	TOTAL	GRANTED	DENIED	# of CASES OPPOSED	# of RESPONDENTS
A	130	126	4	26	120
C	46	44	2	10	70
D	633	595	38	101	225
E	14	13	1	2	2
F	34	33	1	3	9
FF	—	—	—	—	—
FS	19	19	—	—	—
H	38	34	4	17	49
K	24	23	1	8	27
L	22	22	—	—	—
R	651	548	103	10	18
T	72	66	6	8	16
W	22	21	1	2	5
Y	50	50	—	—	—
PCV'S	1755	1594	161	187	541
PV	134	108	26	43	135
PVS	127	126	1	3	7
PV'S	261	234	27	46	142
Goods	1048	964	84	133	442
Freight Forwarders	2	2	—	—	—
Passengers	88	83	5	16	70
MVTA'S	1138	1049	89	149	512
TOTAL	3154	2877	277	382	1195

	Jan.	Feb.	Mar.	Apr.	May	Jun.	Jul.	Aug.	Sept.	Oct.	Nov.	Dec.	Total
Tariffs	9	15	4	3	16	8	11	11	7	—	2	4	90
Reasons for Decision	4	14	9	6	16	14	5	6	5	7	8	12	106
Applications Withdrawn	21	51	51	20	56	39	17	57	37	28	46	24	447
Telegrams	40	39	85	68	81	98	100	90	70	65	52	33	871

APPENDIX 'D-3'

THE ONTARIO HIGHWAY TRANSPORT BOARD

BOARD DECISIONS - AFTER PUBLIC HEARING FOR THE YEAR 1984

CLASS	TEMPORARIES/INTERIMS			LICENCE APPLICATIONS			TRANSFERS	
	Applications	Denied	Granted	Applications	Denied	Granted	Shares	Licences
A	-	-	-	32	2	30	-	2
C	-	-	-	10	1	9	-	2
D	3	-	3	134	16	118	-	2
E	-	-	-	2	1	1	-	-
F	1	-	1	4	-	4	-	-
FF	-	-	-	-	-	-	-	-
FS	-	-	-	-	-	-	-	-
H	-	-	-	18	3	15	-	1
K	-	-	-	8	1	7	-	-
L	-	-	-	-	-	-	-	-
R	5	1	4	301	78	223	-	-
T	-	-	-	20	4	16	-	-
W	-	-	-	5	1	4	-	-
Y	-	-	-	1	-	1	-	-
PCV'S	9	1	8	535	107	428	-	7
PV	2	-	2	48	17	31	-	1
PVS	-	-	-	4	-	4	-	4
PV'S	2	-	2	52	17	35	-	5
PCVX	4	-	4	180	35	145	1	6
FFX	-	-	-	1	-	1	-	-
PVX	-	-	-	16	5	11	-	-
MVTA'S	4	-	4	197	40	157	1	6
TOTAL	15	1	14	784	164	620	1	18

APPENDIX 'D-4'

THE ONTARIO HIGHWAY TRANSPORT BOARD OUT OF TOWN AND JOINT PROVINCIAL HEARINGS held January 1st to December 31st, 1984

APPLICATIONS HEARD

Month	Location	Number	Adjourned	Granted	Denied	Withdrawn
January	St. Catharines	1	-	-	1	-
	Niagara Falls	2	1	1	-	-
	Sarnia	3	-	1	-	2
	Kitchener	1	-	-	1	-
	Ottawa	12	1	8	-	3
	London	6	-	6	-	-
February	Brantford	1	1	-	-	-
	St. Catharines	2	-	1	1	-
	Barrie	2	-	-	2	-
	Hamilton	2	-	2	-	-
	London	1	-	1	-	-
	Windsor	4	-	1	-	3
March	Windsor	9	-	7	-	2
	Owen Sound	5	2	2	-	1
	Kitchener	10	-	9	1	-
	London	10	-	7	1	2
	Hamilton	11	-	5	5	1
April	London	8	3	2	-	3
	Peterborough	6	-	3	2	1
	Niagara Falls	2	-	2	-	-
	Kingston	1	-	-	1	-
	Kitchener	2	-	1	1	-
	Ottawa	34	1	22	10	1
	Dryden	6	-	5	1	-

APPLICATIONS HEARD — cont'd.

Month	Location	Number	Adjourned	Granted	Denied	Withdrawn
April cont'd.	Fort Frances	5	—	5	—	—
	Thunder Bay	13	—	10	1	2
	Sault Ste. Marie	6	1	3	2	—
	Simcoe	1	—	1	—	—
	Sudbury	12	—	5	5	2
May	London	3	—	2	1	—
	North Bay	10	—	5	4	1
	Timmins	8	1	6	—	1
	Kapuskasing	8	—	6	1	—
	Cambridge	1	—	1	—	—
	St. Catharines	1	1	—	—	—
	Brockville	1	—	1	—	—
	Sudbury	8	5	1	—	2
	Pembroke	2	1	1	—	—
June	Innisfil	4	—	3	1	—
	Welland	2	2	—	—	—
	London	2	2	—	—	—
July	Niagara Falls	2	1	—	—	1
	Windsor	7	3	2	—	2
	London	8	7	—	—	1
	St. Catharines	1	1	—	—	—
	Sudbury	4	4	—	—	—
August	Terrace Bay	1	1	—	—	—
	Pembroke	1	—	—	1	—
	Belleville	2	1	—	—	1
	Hamilton	1	—	—	—	—

APPLICATIONS HEARD — cont'd.

Month	Location	Number	Adjourned	Granted	Denied	Withdrawn
September	Brantford	2	1	—	1	—
	Dryden	3	—	3	—	—
	St. Catharines	2	—	1	—	1
	Niagara Falls	2	1	—	—	1
	Thunder Bay	10	2	6	1	1
	Haileybury	1	1	—	—	—
	Owen Sound	4	—	1	2	1
	Barrie	1	1	—	—	—
	Sault Ste. Marie	3	—	2	—	1
	Sudbury	8	3	5	—	—
	North Bay	6	—	4	1	1
	London	5	4	1	—	—
	Timmins	5	—	4	1	—
	Ottawa	1	1	—	—	—
	Kapuskasing	5	—	3	1	1
	Kitchener	14	2	10	1	1
JOINT HEARING						
October	Ottawa	45	11	21	10	3
	Montreal	1	1	—	—	—
	Kitchener	1	1	—	—	—
	London	20	6	9	2	3
	Sarnia	4	3	—	—	1
	Windsor	9	4	3	1	1
	Hull	1	1	—	—	—
November	Montreal	1	1	—	—	—
	Kitchener	1	—	—	1	—
December	Stouffville	1	1	—	—	—
TOTAL		411	85	212	65	49

APPENDIX 'D-5'

THE ONTARIO HIGHWAY TRANSPORT BOARD

BOARD DECISIONS - WITHOUT PUBLIC HEARING

FOR THE YEAR 1984

CLASS	TEMPORARIES/INTERIMS			LICENCE APPLICATIONS			TRANSFERS		
	Applications	Denied	Granted	Applications	Denied	Granted	Applications	Shares	Licences
A	12	2	10	72	—	72	12	5	7
C	4	1	3	24	—	24	6	1	5
D	112	22	90	332	—	332	50	8	42
E	2	—	2	5	—	5	5	—	5
F	5	1	4	13	—	13	11	—	11
FF	—	—	—	—	—	—	—	—	—
FS	2	—	2	7	—	7	10	—	10
H	3	1	2	9	—	9	7	—	7
K	4	—	4	10	—	10	2	1	1
L	4	—	4	18	—	18	—	—	—
R	99	24	75	49	—	49	197	1	196
T	12	2	10	35	—	35	5	1	4
W	3	—	3	11	—	11	3	—	3
Y	9	—	9	40	—	40	—	—	—
PCV'S	271	53	218	625	—	625	308	17	291
PV	34	9	25	27	—	27	22	2	20
PVS	20	1	19	52	—	52	47	—	47
PV'S	54	10	44	79	—	79	69	2	67
PCVX	237	49	188	563	—	563	57	23	34
FFX	—	—	—	1	—	1	—	—	—
PVX	6	—	6	60	—	60	6	4	2
MVTA	243	49	194	624	—	624	63	27	36
TOTAL	568	112	456	1328	—	1328	440	46	394

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Ontario Highway Transport Board
ANNUAL REPORT
1986

ANNUAL REPORT
OF
THE ONTARIO HIGHWAY TRANSPORT BOARD
for the year ending December 31, 1986

To: The Honourable Lincoln Alexander
P.C., K. St. J., Q.C., B.A.
Lieutenant-Governor of the Province of Ontario

MAY IT PLEASE YOUR HONOUR:

The undersigned takes pleasure in submitting the
Annual Report for the Ontario Highway Transport
Board for the calendar year ending December 31,
1986

Respectfully submitted,

A handwritten signature in dark ink, reading "Ed Fulton". The signature is fluid and cursive, with the first letters of "Ed" and "Fulton" being capitalized and prominent.

Ed Fulton,
Minister

To: The Honourable Ed Fulton,
Minister of Transportation and
Communications

Sir:

I have the honour to present the report of the activities
of The Ontario Highway Transport Board for the
calendar year ending on December 31, 1986.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'B.E. Smith', written in a cursive style.

B.E. Smith,
Chairman

ANNUAL REPORT
OF
THE ONTARIO HIGHWAY TRANSPORT BOARD
for the year ending December 31, 1986

The Ontario Highway Transport Board pursuant to Section 29 of the Ontario Highway Transport Board Act, R.S.O. 1980, Chapter 338 begs leave to submit its thirty-first Annual Report upon its affairs to the Honourable the Minister of Transportation and Communications for the calendar year 1986.

Members of the Board.

B.E. Smith	Chairman
J.E. Magee	Vice Chairman
Margot Priest	Vice Chairman
E.J. Canning	Member
G.T.S. Lyons	Member
K.B. McMillan	Member
G.J. Norton	Member
George Samis	Member
M.H. Shecter	Member
J.A. Wardrop	Member

1986 ANNUAL REPORT OF THE BOARD

EXECUTIVE

Barry E. Smith was appointed Chairman on March 10th of 1986. He succeeded Grant Norton who had been Acting Chairman since January of 1985.

The new Chairman has had extensive career experience in the private sector, the municipal field and in government. He holds degrees from the University of Toronto in both Engineering (1956) and Law (1972). He is a member of the Association of Professional Engineers and of the Law Society of Upper Canada. He commenced his career in 1956 as an engineer with the consulting engineering firm of Marshall Macklin Monaghan Ltd. From 1958 to 1959 he was engaged as Field Engineer with the Corporation of the City of Oshawa and from 1959 to 1968 he was the Engineer for the Orillia Water, Light and Power Commission and later City Engineer of Orillia. In 1968 he entered the service of the Provincial Government as a member of the Ontario Municipal Board. He was appointed a Vice-Chairman of the O.M.B. in 1977. He became Chairman of the Environmental Assessment Board on October 14, 1980, and was appointed Chairman of the Ontario Highway Transport Board effective March 10, 1986.

Two new Vice Chairmen were also appointed: J.E. (Ernie) Magee, Vice-Chairman, brings to the Board a wealth of experience in the consumer products manufacturing industry - particularly in transportation and distribution management. With Proctor and Gamble Inc. for over thirty years, he held a number of increasingly responsible executive positions including Traffic Manager; Manager, Special Projects; and Manager, Rail Transportation and Warehousing. He has been deeply involved in legislative and regulatory developments and was a member of the Rates Sub-Committee of the Implementation Steering Committee. He has been Chairman, National Transportation Committee, Canadian Manufacturers' Association and a Director of the Canadian Industrial Traffic League.

Margot Priest, Vice-Chairman, has had extensive experience in regulatory reform. A legal advisor to numerous federal boards and agencies, Ms. Priest was with the office of the Co-ordinator of Regulatory Reform at the Treasury Board in Ottawa. In 1982 and 1983 she was Special Advisor, Policy Co-ordination Bureau, Department of Consumer and Corporate Affairs and from 1984 to 1985 was Special Advisor, Federal Statutes Compliance Project, Department of Justice. She holds an LL.B. from Osgoode Hall Law School, York University and an Ed.M. from Harvard University in Administration, Planning and Social Policy.

A new member was appointed as well: George Samis, Member, was a resident of Cornwall at the time of his appointment. He is a native of Montreal where he graduated from Loyola College (B.A.) and the University of Montreal (B.Ed.) he also holds an M.A. (History) from the University of Waterloo. Elected to the Ontario Legislature in 1974, he served as the M.P.P. for Cornwall riding until 1985. He hosted his own monthly bilingual Cable Television show in Cornwall from 1979 to 1985 and has been a commentator on national television.

The other members are:

Edward J. Canning	Appointed March 1, 1980
G.T. Spence Lyons	Appointed February 1, 1985
Keith B. McMillan	Appointed June 14, 1985
Grant J. Norton	Appointed June 1, 1976
Max H. Shecter	Appointed January 12, 1981
John A. Wardrop	Appointed August 16, 1974

CANADIAN CONFERENCE OF MOTOR TRANSPORT ADMINISTRATORS

CCMTA is an association of senior officials representing all Provinces, the Territories and the Federal Government working together to promote uniformity of regulatory reform policies and legislation.

The Chairman has been actively involved with the Standing Committee on Motor Carriers since his appointment and he is now a member of a task force with representatives of other provinces developing uniform licensing procedures across Canada.

PUBLIC COMMERCIAL VEHICLES ACT REVIEW

The Chairman is a member of the Implementation Steering Committee which was formed to carry out the recommendations in 'Responsible Trucking' - the report of the Public Commercial Vehicles Act Review Committee.

The new proposals emphasize performance rather than entry controls. Entry will be based on fitness of the applicant rather than public necessity and convenience. Fitness tests will examine competency and will stress safety aspects of commercial vehicle operation. The proposed legislation, to be called the Truck Transportation Act, should ensure an efficient goods transportation system based on effective competition. Principles of fairness, ease of entry, participation in the Ontario economy by all carriers and controlled change to allow participants time to adjust are considered essential. Public Interest Tests, which will be administered by the Board, can be requested by carriers in a particular market if it is felt that the addition of a new, large carrier in that market would not be in the public interest.

The Board, the trucking industry and representatives of manufacturing and shipping interests continue to work together with the Ministry to ensure that the new Act will be fair to all and will foster the development of a responsible and efficient highway transportation system.

ADMINISTRATION

Grant Wheeler continued as Managing Director. He is responsible for the administrative functions of the Board and for liaison between the Board and the Ministry of Transportation and Communications. He represents the Chairman on Ministry committees associated with regulatory reform policy development and operational issues.

1986 was another year of steadily increasing volumes. 4,809 applications were received - an increase of almost 30 percent in the past three years.

Much of the administrative activity during the year was associated with new procedures which will be required to implement regulatory reform measures. New responsibilities are proposed for the Board under the Truck Transportation Act and the Ontario Highway Transport Board Amendment Act which will require a major restructuring of administrative staff and functions.

The Chairman of the Board has been co-chairman, with the Assistant Deputy Minister, Safety and Regulation, of the Reform Steering Committee which is overseeing the development and transfer of administrative responsibilities between the Board and the Ministry of Transportation and Communications.

CHART No.
06-0010
TO CHART NO.
06-0001

POSITION:
MINISTER

Ministry of
Transportation and
Communications



ONTARIO HIGHWAY TRANSPORT BOARD

CHAIRMAN
ONTARIO HIGHWAY
TRANSPORT BOARD
01

SECRETARY
TO
CHAIRMAN
02

VICE-CHAIRMAN
05

SECRETARY
TO
VICE-CHAIRMAN
06

MEMBER
OF
BOARD
07

SECRETARY
TO
MEMBER OF BOARD
09

MANAGING
DIRECTOR
20

MANAGER
OFFICE OF
PROCEEDINGS
AND SECRETARY
22

PROGRAM
ADVISOR
34

SUPERVISOR
OF
COURT
CLERKS
24

TARIFF
INFORMATION
OFFICER
36

GROUP
LEADER
TYPISTS
42

MANAGER
ADMINISTRATIVE
SERVICES
40

SUPERVISOR
OF
CLERKS
54

COURT
CLERK
26

CASE REVIEW
AND
INFORMATION
OFFICER
27

CASE
REVIEW
CLERK
30

SENIOR
TYPIST
44

GAZETTING
CLERK
48

GROUP
LEADER
FILING
56

OFFICE
CLERK &
RECEPTIONIST
62

TYPIST
46

RATE
CLERK
TYPIST
50

FILING
CLERK
58

RECORDS
AND STATISTICS
CLERK
64

RATE
FILING
CLERK
60

POSITION
TITLE
04

POSITION CODE No.

RECOMMENDED _____ CHAIRMAN
APPROVED _____ MINISTER
DIRECTOR OF PERSONNEL
APRIL 1, 1980

APPENDIX 'B'

BOARD POLICIES AND PROCEDURES

Policy Statements

Continuing its practice of publishing formulated policy, Board Policy Statements issued to date are as follows:

No. 001/ 78-9-29 (cancelled and superseded by Policy Statement No. 004/79-8-2) Effective date:	Renewal of licence under the Public Commercial Vehicles Act. September 29, 1978
No. 002/79-2-1 Effective date:	Adjournment of Hearing. February 1, 1979
No. 003/79-5-14 Effective date:	Admissibility as evidence of photocopies and microfilm prints. May 14, 1979
No. 004/79-8-2 Effective date:	Renewal of a public commercial or public vehicle operating licence. immediate
No. 005/79-9-7 Effective date:	Recording of hearing proceedings. September 7, 1979
No. 006/79-9-7 Effective date:	Transfers and temporaries. September 7, 1979
No. 007/79-9-7 Effective date:	Cancellation of interim licence of adjournment of hearing. September 7, 1979
No. 008/79-11-19 Effective date: (amended by Policy Statement No. 012/81-1-1)	Expanded use of Section 8 proceedings. immediate
No. 009/80-1-14 Effective date:	Hearing procedures for applications for Class 'R' operating licence. immediate
No. 010/80-9-4 Effective date:	Complementary authorities. Draft for discussion purposes — no implementation date.
No. 011/80-9-30 Effective date:	Distribution of notices of decision. immediate
No. 012/81-1-1 Effective date:	Amendment to Policy Statement No. 008/79-11-19. Expanded use of Section 8 proceedings. January 1, 1981
No. 013/81-6-25 Effective date:	Complementary authorities. immediate
No. 014/81-9-16 Effective date:	Filing of Notices of Objection. September 16, 1981

No. 015/81-12-2 Effective date:	Change of name of licence holders P.C.V. operating licences. immediate
No. 016/81-12-2 Effective date:	Issuance of summonses. December 2, 1981
No. 017/82-6-22 Effective date:	Commercial motor vehicle lease approval. July 1, 1982
No. 018/82-12-22 Effective date:	Metrication of weight, size and distance in applications. December 22, 1982
No. 019/83-1-31 Effective date:	Metropolitan Toronto commercial zone. immediate
No. 020/83-3-23 Effective date:	Procedures for issuing non-permanent authorities. May 30, 1983
No. 021/83-4-14 Effective date:	In-transit authorities. immediate
No. 022/83-6-27 Effective date:	Applications received after June 21, 1983. immediate
No. 024/83-8-16 Effective date:	Form of headings for orders, certificates and reports. August 22, 1983
No. 025/83-8-18 Effective date:	Requests for adjournments. immediate
No. 026/83-10-5 Effective date:	Listings for the Ontario Gazette. immediate
No. 027/84-4-26 Effective date:	Scheduling of Hearings. immediate
No. 028/84-11-19 Effective date:	Applications for interim and temporary operating licences. December 1, 1984
No. 029/85-5-2 Effective date:	Filing of Complementary authorities. April 15, 1985
No. 030/85-5-15 Effective date:	Transfer of part of an operating licence. Immediate
No. 031/85-6-26 Effective date:	Application's for operating licences by applicants currently unlicensed. July 15, 1985
No. 032/85-6-26 Effective date:	Reduction of administrative costs to the public and industry. July 15, 1985

No. 033/85-9-23

Clarification of procedures respecting renewals of expired operating licences.

Effective date: .

Immediate

No. 036/85-12-11

Tariff approval for new public vehicle services.

Effective date:

March 1, 1986

No 037/86-7-10

Amendment to Policy Statement 031/85-6-26.

Qualifications of New Carriers

Effective date:

Immediate

Policy Statements published by the Board during the period January 1 - December 31, 1986 are appended to this report.

POLICY STATEMENT

037/86-07-1

Item: AMENDMENT TO POLICY STATEMENT 031/85-06-26.

Objective: To improve the quality of transportation by ensuring new carriers are well qualified.

Policy: Policy Statement 031/85-06-26 is amended by adding in clause (1) at the end thereof

"the following information:

- equipment list, by year, make and serial number, that indicates which are beneficially owned and which are brokered or leased;
- number and location of terminals (if any);
- current financial statement, preferably audited;
- accident record;
- insurance losses in the past year;
- outstanding insurance claims;
- insurance coverage and premium rate;
- volume transported in past year, in tons per mile (kilometre) if possible;
- a description of the service to be offered (should include any special or unique features) and the rates to be charged;
- reasons for seeking this authority (e.g. better equipment or manpower utilization etc.).

And by replacing clause (2) with the following:

- (2) the appearance at a hearing set by the Board of any applicant who has not held a permanent operating authority for at least one year in a recognized jurisdiction."

Effective date: Immediate.



B.E. Smith,
Chairman.

APPENDIX 'C'

THE ONTARIO HIGHWAY TRANSPORT BOARD

REVENUE

January 1st to December 31st, 1986

Application Fees	\$172,595.00
Court Costs	30 028.00
Tariffs (including copies)	52,277.16
Credits and U.S. Exchange	4,719.20
Miscellaneous	<u>46,128.36</u>
Gross Revenue	\$305,747.72
Refunds and N.S.F. Cheques	<u>2,307.87</u>
Net Revenue	\$303,439.85

APPENDIX 'D-1'

THE ONTARIO HIGHWAY TRANSPORT BOARD

APPLICATIONS RECEIVED

January 1st to December 31st, 1986

CLASS

Public Commercial Vehicles Act

A	282
C	69
D	948
E	6
F	33
FF	5
FS	23
H	65
K	42
L	14
R	975
T	115
W	43
Y	29
	<u>2649</u>

Public Vehicles Act

PV	191
PVS	141
	<u>332</u>

Motor Vehicle Transport Act (Canada)	<u>1828</u>
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Total	<u>4809</u>
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Public Vehicle Tariffs - no longer at the Board

APPENDIX 'D-2'

THE ONTARIO HIGHWAY TRANSPORT BOARD

APPLICATIONS PROCESSED

January 1st to December 31st, 1986

CLASS	TOTAL	GRANTED	DENIED	# of CASES OPPOSED	# of RESPONDENTS
A	204	184	20	65	291
C	55	50	5	18	95
D	781	646	135	181	384
E	11	11	-	-	-
F	35	29	6	1	1
FF	3	2	1	2	9
FS	26	22	4	2	4
H	61	39	22	33	81
K	38	33	5	14	31
L	14	14	-	-	-
R	835	653	182	19	22
T	85	77	8	15	41
W	26	16	10	17	40
Y	27	26	1	-	-
<hr/>					
PCV'S	2201	1802	399	367	969
<hr/>					
PV	165	123	42	68	313
PVS	140	133	7	8	20
<hr/>					
PV'S	305	256	49	76	333
<hr/>					
PCVX	1356	1173	183	300	1278
FFX	2	1	1	2	9
PVX	121	98	23	33	183
<hr/>					
MVTA'S	1479	1272	207	335	1470
<hr/>					
TOTAL	3985	3330	655	778	2772

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total
Tariffs	No Longer at the Board												
Reasons for Decision	10	11	8	7	17	9	8	11	9	8	9	20	120
Applications Withdrawn	36	61	41	48	42	54	34	34	58	47	54	36	545
Telegrams	63	86	76	58	89	76	64	57	61	71	50	43	794

THE ONTARIO HIGHWAY TRANSPORT BOARD
BOARD DECISIONS - AFTER PUBLIC HEARING
FOR THE YEAR 1986

CLASS	TEMPORARIES/INTERIMS			LICENCE APPLICATIONS			TRANSFERS AND SHARES		
	Applications	Denied	Granted	Applications	Denied	Granted	Applications	Denied	Granted
A	1	1	-	60	10	50	21	-	21
C	-	-	-	12	2	10	7	-	7
D	5	-	5	200	36	164	8	2	6
E	-	-	-	-	-	-	-	-	-
F	-	-	-	6	1	5	1	-	1
FF	-	-	-	3	1	2	-	-	-
FS	1	-	1	4	-	4	-	-	-
H	1	-	1	29	9	20	3	-	3
K	-	-	-	14	2	12	-	-	-
L	-	-	-	-	-	-	-	-	-
R	11	1	10	523	108	415	3	1	2
T	4	-	4	13	-	13	1	-	1
W	-	-	-	15	8	7	2	-	2
Y	-	-	-	-	-	-	-	-	-
PCV'S	23	2	21	879	177	702	46	3	43
PV	4	2	2	51	16	35	5	-	5
PVS	-	-	-	3	-	3	-	-	-
PV'S	4	2	2	54	16	38	5	-	5
PCVX	3	-	3	294	42	252	18	2	16
FFX	-	-	-	2	1	-	-	-	-
PVX	2	2	-	21	10	11	1	-	1
MVTA'S	5	2	3	317	53	264	19	2	17
TOTAL	32	6	26	1250	246	1004	70	5	65

THE ONTARIO HIGHWAY TRANSPORT BOARD

OUT OF TOWN AND JOINT PROVINCIAL HEARINGS

held January 1st to December 31st, 1986

APPLICATIONS HEARD

Month	Location	Number	Adjourned	Granted	Denied	Pending
January	Guelph	2	-	2	-	-
	Kitchener	1	-	1	-	-
	Ottawa	8	-	4	4	-
	Hull	1	-	-	1	-
	Waterloo	1	-	-	1	-
February	Kitchener	3	-	2	1	-
	London	4	-	2	2	-
	Ottawa	7	-	4	3	-
	Owen Sound	1	-	1	-	-
	Quebec	2	-	2	-	-
	St. Catharines	3	-	2	1	-
March	London	1	-	1	-	-
	North Bay	2	-	1	1	-
	Ottawa	1	-	1	-	-
	Sudbury	2	-	2	-	-
April	Kitchener	3	-	3	-	-
	London	21	-	20	1	-
	Ottawa	16	-	9	7	-
	Windsor	5	-	2	3	-
May	Dryden	8	-	6	2	-
	Kapuskasing	11	-	10	1	-
	Kitchener	23	-	18	5	-
	London	1	-	1	-	-
	Ottawa	6	-	4	2	-
	Peterborough	2	-	1	1	-
	Sault Ste. Marie	5	-	3	2	-
	Thunder Bay	12	-	10	2	-
	Timmins	6	-	5	1	-
				2	1	-

Month	Location	Number	Adjourned	Granted	Denied	Pending
June	Dryden	1	-	1	-	-
	Kitchener	6	-	3	3	-
	North Bay	24	-	18	6	-
	Ottawa	2	-	2	-	-
	Sault Ste. Marie	1	-	1	-	-
	Sudbury	11	-	11	-	-
	Thunder Bay	1	-	1	-	-
	Timmins	1	-	1	-	-
	Windsor	5	1	4	-	1
	Kapuskasing	1	-	-	1	-
July	Collingwood	1	-	1	-	-
	London	4	-	4	-	-
	North Bay	5	-	5	-	-
	Ottawa	3	-	2	1	-
	Smiths Falls	2	-	1	1	-
	Sudbury	1	-	1	-	-
	Kapuskasing	1	-	-	-	-
	Welland	1	-	1	-	-
August	Kapuskasing	1	-	1	-	-
	Kitchener	2	-	1	1	-
	London	2	-	1	1	-
	Ottawa	4	-	4	-	-
	Quebec (joint)	1	-	1	-	-
	Sudbury	4	-	3	1	-
	Welland	1	-	1	-	-
	Brantford	1	-	1	-	-
	Dryden	14	-	11	3	-
	Hull	12	-	4	8	-
September	Kapuskasing	6	-	5	1	-
	London	3	1	2	-	1
	Ottawa	4	-	4	-	-
	Sault Ste. Marie	4	-	3	1	-
	Sudbury	4	2	2	-	2
	Thunder Bay	15	-	12	3	-
	Timmins	4	-	4	-	-
	Pembroke	2	-	-	2	-
	Windsor	1	-	-	1	-
	Brantford	1	-	1	-	-
	Dryden	14	-	11	3	-
	Hull	12	-	4	8	-
	Kapuskasing	6	-	5	1	-
	London	3	1	2	-	1

APPLICATIONS HEARD — cont'd.

Month	Location	Number	Adjudged	Granted	Denied	Pending
October	Belleville	1	-	-	1	-
	Dryden	3	-	3	-	-
	Hull	2	-	2	-	-
	Kitchener	27	-	20	7	-
	London	20	-	18	2	-
	North Bay	11	-	10	1	-
	Sault Ste. Marie	1	-	1	-	-
	Sudbury	5	-	5	-	-
	Thunder Bay	1	-	1	-	-
	Windsor	7	-	6	1	-
November	Barrie	1	-	1	-	-
	Belleville	1	-	-	-	1
	Hull	3	-	3	-	-
	Kitchener	1	-	-	1	-
	London	2	-	1	-	1
	North Bay	2	-	2	-	-
	Ottawa	3	-	3	-	-
	Sault Ste. Marie	1	-	1	-	-
	Sudbury	2	-	2	-	-
	Thunder Bay	2	-	2	-	-
	Whitby	1	-	1	-	-
	Windsor	4	-	4	-	-
	Kitchener	1	-	-	-	1
December	London	8	-	5	1	2
	North Bay	1	1	-	-	1
	Ottawa	8	-	2	5	1
	Perth	2	2	-	-	2
	Sudbury	19	-	11	6	2
	Windsor	8	-	2	1	5
	Winnipeg	1	-	-	1	-

THE ONTARIO HIGHWAY TRANSPORT BOARD
BOARD DECISIONS - WITHOUT PUBLIC HEARING
FOR THE YEAR 1986

CLASS	TEMPORARIES/INTERIMS		LICENCE APPLICATIONS		TRANSFERS AND SHARES	
	Applications	Denied	Granted	Applications	Denied	Granted
A	9	2	7	93	7	86
C	4	1	3	23	2	21
D	114	57	57	384	39	345
E	1	-	1	3	-	3
F	2	2	-	16	3	13
FF	-	-	-	-	-	-
FS	4	3	1	7	1	6
H	4	3	1	16	10	6
K	7	3	4	10	-	10
L	-	-	-	14	-	14
R	80	52	28	46	19	27
T	19	6	13	45	2	43
W	1	1	-	3	1	2
Y	2	-	2	25	1	24
PCV'S	247	130	117	685	85	600
PV	26	11	15	50	12	38
PVS	28	-	28	55	4	51
PV'S	54	11	43	105	16	89
PCVX	206	79	127	745	60	685
FFX	-	-	-	-	-	-
PVX	11	5	6	74	6	68
MVTA	217	84	133	819	66	753
TOTAL	518	225	293	1609	167	1442
				506	6	500

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Ontario Highway Transport Board

ANNUAL REPORT

1987

ANNUAL REPORT
OF
THE ONTARIO HIGHWAY TRANSPORT BOARD
for the year ending December 31, 1987





To: The Honourable Lincoln Alexander,
P.C., K. St. J., Q.C., B.A.
Lieutenant-Governor of the Province of Ontario

MAY IT PLEASE YOUR HONOUR:

The undersigned takes pleasure in submitting the
Annual Report for the Ontario Highway Transport
Board for the calendar year ending December 31,
1987.

Respectfully submitted,

A handwritten signature in dark ink, reading "Ed Fulton". The signature is written in a cursive, flowing style with a large initial "E" and a long, sweeping underline.

Ed Fulton,
Minister.

To: The Honourable Ed Fulton,
Minister of Transportation

Sir:

I have the honour to present the report of the activities
of The Ontario Highway Transport Board for the
calendar year ending on December 31, 1987.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "B. E. Smith", with a stylized flourish at the end.

B. E. Smith,
Chairman.

**ANNUAL REPORT
OF
THE ONTARIO HIGHWAY TRANSPORT BOARD
for the year ending December 31, 1987**

The Ontario Highway Transport Board pursuant to Section 29 of the Ontario Highway Transport Board Act, R.S.O. 1980, Chapter 338 begs leave to submit its thirty-second Annual Report upon its affairs to the Honourable Minister of Transportation for the calendar year 1987.

MEMBERS OF THE BOARD:		DATE APPOINTED
B. E. Smith	Chairman	March 10, 1986
J. E. Magee	Vice Chairman	April 2, 1986
Margot Priest	Vice Chairman	March 17, 1986
E. J. Canning	Member	March 1, 1980
K. B. McMillan	Member	June 14, 1985
G. J. Norton	Member	June 1, 1976
George Samis	Member	March 17, 1986
M. H. Shecter	Member	January 12, 1981
E. R. Skelcher	Member	February 14, 1987

1987 ANNUAL REPORT OF THE BOARD

EXECUTIVE

A new member was appointed on February 14, 1987. Edmund R. Skelcher, Member, comes to the Board with an extensive background in professional accounting and many years administrative experience in the transportation industry. A graduate of McGill University (B. Com.), he held a variety of increasingly responsible positions, including Administration Manager with an international firm of Chartered Accountants. Prior to his appointment he served as Traffic Manager of Travelways Limited for nineteen years.

ADMINISTRATION

In 1987, 5,058 applications were received - an increase of almost 18 percent over the past three years.

Much of the administrative activity during the year was associated with new procedures which will be required to implement regulatory reform measures. New responsibilities are proposed for the Board under Bill No. 88 to be called the Truck Transportation Act and the Ontario Highway Transport Board Amendment Act which will require a major restructuring of administrative staff and functions.

The Chairman of the Board is co-chairman of the Reform Steering Committee which is overseeing the development and transfer of administrative responsibilities between the Board and the Ministry of Transportation.

PUBLIC COMMERCIAL VEHICLES ACT REVIEW

The Chairman is a member of the Implementation Steering Committee which was formed to carry out the recommendations in "Responsible Trucking" - the report of the Public Commercial Vehicles Act Review Committee.

The new proposals emphasize performance rather than entry controls. Entry will be based on fitness of the applicant rather than public necessity and convenience. Fitness tests will examine competency and will stress safety aspects of commercial vehicle operation. The proposed legislation, Bill No. 88 given first reading December 23, 1987 to be called the Truck Transportation Act, should ensure an efficient goods transportation system based on effective competition. Principles of fairness, ease of entry, participation in the Ontario economy by all carriers and controlled change to allow participants time to adjust are considered essential. Public interest tests may be ordered by the Board if an objecting party satisfies the Board with evidence that the operation proposed would likely be detrimental to the public interest.

The Board, the trucking industry and representatives of manufacturing and shipping interests continue to work together with the Ministry to ensure that the new Act will be fair to all and will foster the development of a responsible and efficient highway transportation system.

REWRITTEN TRUCK LICENCES

In accordance with the provisions of new section 10b of the Public Commercial Vehicles Act, R.S.O. 1980, Chapter 407, the Board this year continued its responsibility in the truck licence rewrite program.

A licensed carrier may, by application, request that its operating authority be rewritten in standard form utilizing the Standard Transportation Commodity Code (STCC). Under the program, a carrier may receive operating rights that are not less than it already holds, but not significantly greater either, except to the extent necessary to conform with the prescribed criteria.

The objective of the licence rewrite program is to introduce and encourage uniformity in the language of truck transportation licences, and to enable the carriers to secure operating authorities which will facilitate their operations as the new Truck Transportation Act comes into force.

Approximately seven thousand applications for rewritten licences have been filed with the Ministry, and of that total, the Board has issued 3500 rewritten certificates.

MOTOR VEHICLE TRANSPORT ACT, 1987

The Board noted a slight decline in applications for operating authorities toward the end of this calendar year which decline was attributed to the fact that carriers were delaying the filing of new applications in anticipation of the coming into force on January 1, 1988 of the Motor Vehicle Transport Act, 1987.

PETITIONS TO CABINET

Section 22 of the Ontario Highway Transport Board Act, R.S.O. 1980, Chapter 338, provides, "Upon the petition of any party or person interested, filed with the Clerk of the Executive Council within sixty days after the date of any order or decision of the Board, the Lieutenant Governor in Council may,

- (a) confirm, vary or rescind the whole or any part of such order or decision; or
- (b) require the Board to hold a new public hearing of the whole or any part of the application to the Board upon which such order or decision of the Board was made,

and the decision of the Board after the public hearing ordered under clause (b) is not subject to petition under this section."

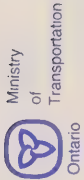
During the course of 1987, 35 Petitions were filed with the Clerk of the Executive Council, and their disposition was as follows:

(i) The Board's original decision was confirmed:	19 petitions
(ii) The Board's original decision was rescinded and a motion for a rehearing was refused:	1 petition
(iii) The Board's original decision was varied:	5 petitions
(iv) Petitions pending before Executive Council:	9 petitions
(v) Petitions withdrawn:	1 petition

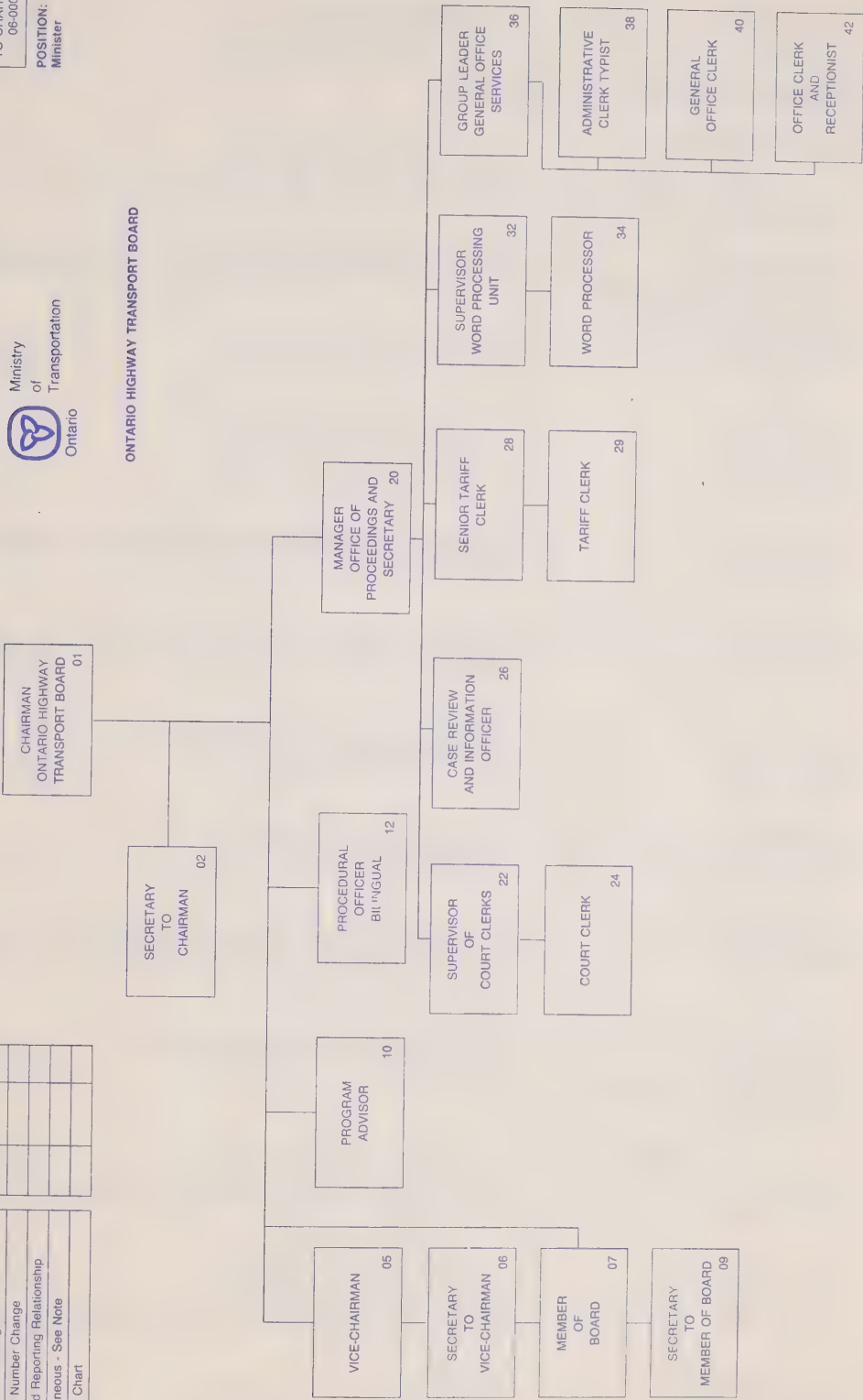
1	New Position	Letter	Legend	Date
2	Position Abolished			
3	To/From Other Chart			
4	Position Title Change			
5	Position Number Change			
6	Changed Reporting Relationship			
7	Miscellaneous - See Note			
8	Revised Chart			

CHART NO. 06-0010
TO CHART NO. 06-0001

POSITION:
Minister



ONTARIO HIGHWAY TRANSPORT BOARD



APPENDIX "B"

BOARD POLICIES AND PROCEDURES

Policy Statements

Continuing its practice of publishing formulated policy, Board Policy Statements issued to date are as follows:

No. 001/78-9-29 (cancelled and superseded by Policy Statement No. 004/79-8-2) Effective date:	Renewal of licence under the Public Commercial Vehicles Act. September 29, 1978
No. 002/79-2-1 Effective date:	Adjournment of Hearing February 1, 1979
No. 003/79-5-14 Effective date:	Admissibility as evidence of photocopies and microfilm prints. May 14, 1979
No. 004/79-8-2 Effective date:	Renewal of a public commercial or public vehicle operating licence. Immediate
No. 005/79-9-7 Effective date:	Recording of hearing proceedings. September 7, 1979
No. 006/79-9-7 Effective date:	Transfers and temporaries. September 7, 1979
No. 007/79-9-7 Effective date:	Cancellation of interim licence of adjournment of hearing. September 7, 1979
No. 008/79-11-19 Effective date: (amended by Policy Statement No. 012/81-1-1)	Expanded use of Section 8 proceedings. Immediate
No. 009/80-1-14 Effective date:	Hearing procedures for applications for Class "R" operating licence. Immediate
No. 010/80-9-4 Effective date:	Complementary authorities. Draft for discussion purposes - no implementation date.
No. 011/80-9-30 Effective date:	Distribution of notices of decision. Immediate

No. 012/81-1-1 Effective date:	Amendment to Policy Statement No. 008/79-11-19. Expanded use of Section 8 proceedings. January 1, 1981
No. 013/81-6-25 Effective date:	Complementary authorities. Immediate
No. 014/81-9-16 Effective date:	Filing of Notices of Objection. September 16, 1981
No. 015/81-12-2 Effective date:	Change of name of licence holders P.C.V. operating licences. Immediate
No. 016/81-12-2 Effective date:	Issuance of summonses. December 2, 1981
No. 017/82-6-22 Effective date:	Commercial motor vehicle lease approval. July 1, 1982
No. 018/82-12-22 Effective date:	Metrication of weight, size and distance in applications. December 22, 1982
No. 019/83-1-31 Effective date:	Metropolitan Toronto commercial zone. Immediate
No. 020/83-3-23 Effective date:	Procedures for issuing non-permanent authorities. May 30, 1983
No. 021/83-4-14 Effective date:	In-transit authorities. Immediate
No. 022/83-6-27 Effective date:	Applications received after June 21, 1983. Immediate
No. 024/83-8-16 Effective date:	Form of headings for orders, certificates and reports. August 22, 1983
No. 025/83-8-18 Effective date:	Request for adjournments. Immediate

No. 026/83-10-5 Effective date:	Listings for the Ontario Gazette. Immediate
No. 027/84-4-26 Effective date:	Scheduling of Hearings. Immediate
No. 028/84-11-19 Effective date:	Applications for interim and temporary operating licences. December 1, 1984
No. 029/85-5-2 Effective date:	Filing of Complementary authorities. April 15, 1985
No. 030/85-5-15 Effective date:	Transfer of part of an operating licence. Immediate
No. 031/85-6-26 Effective date:	Application's for operating licences by applicants currently unlicensed. July 15, 1985
No. 032/85-6-26 Effective date:	Reduction of administrative costs to the public and industry. July 15, 1985
No. 033/85-9-23 Effective date:	Clarification of procedures respecting renewals of expired operating licences. Immediate
No. 036/85-12-11 Effective date:	Tariff approval for new public vehicle services. March 1, 1986
No. 037/86-7-10 Effective date:	Amendment to Policy Statement 031/85-6-26. Qualifications of New Carriers. Immediate

POLICY STATEMENT

038/87-03-24

Item: Applications for Temporary and Permanent Operating Licences by applicants currently unlicensed under the provisions of The Public Vehicles Act, R.S.O. 1980, Chapter 425 and The Motor Vehicle Transport Act, R.S.O. 1970, Chapter M-14 and all relevant amendments thereto.

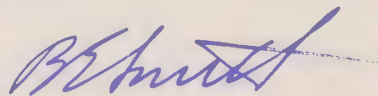
Objective: To improve the quality of transportation by ensuring new carriers are well qualified.

Policy: Each application by an applicant as hereinbefore described for a temporary or permanent operating licence which is unopposed and which the Board chooses to dispose of summarily either under the provisions of Section 8 of Regulation 716 under The Ontario Highway Transport Board Act, R.S.O. 1980 and relevant amendments thereto, or because of a demonstrated urgent need warranting additional service on a temporary basis shall require:

1. the filing of all necessary affidavits and documentation by the said applicant as provided for in Policy Statements Nos. 020/83-02-23 and 028/84-11-19; and the following information:
 - (a) equipment list, by year, make and serial number, that indicates which are beneficially owned or which are leased in accordance with The Highway Traffic Act;
 - (b) number and location of terminals (if any);
 - (c) current financial statement, preferably audited;
 - (d) accident record;
 - (e) insurance losses in the past year;
 - (f) outstanding insurance claims;
 - (g) particulars of insurance coverage including but not limited to: premiums; whether the policy covers all equipment listed above or just certain vehicles; geographic jurisdiction covered by the policy; whether the policy contains any vehicle class restriction e.g., only activity buses; whether the policy contains any vehicle use restrictions e.g., school buses for school purposes not including PV charters when the vehicle, in addition to being plated as a school bus, is also PV plated;
 - (h) a description of the service to be offered (should include any special or unique features) and the rates to be charged;
 - (i) set out particulars of reasons for seeking this authority.
2. The appearance at a hearing set by the Board of any applicant who has not held a permanent operating authority for at least one year in a recognized jurisdiction.

Effective Date: Immediate.

Policy Statements published by the Board during the period January 1 - December 31 1987, are appended to this report.



B. E. Smith,
Chairman.

APPENDIX "C"

THE ONTARIO HIGHWAY TRANSPORT BOARD

REVENUE

January 1st to December 31st, 1987

Application Fees	\$180,895.00
Court Costs	\$ 42,172.75
Tariffs (including copies)	\$ 51,361.11
Credits and U.S. Exchange	\$ 5,222.72
Miscellaneous	<u>\$ 57,090.25</u>
Gross Revenue	\$336,741.83
Refunds and N.S.F. Cheques	<u>\$ 3,911.67</u>
Net Revenue	\$332,830.16

APPENDIX "D-1"

THE ONTARIO HIGHWAY TRANSPORT BOARD

APPLICATIONS RECEIVED

January 1st to December 31st, 1987

CLASS

Public Commercial Vehicles Act

A	294
C	57
D	1020
E	3
F	45
FF	0
FS	15
H	62
K	45
L	16
R	1124
T	116
W	30
Y	14
	<hr/>
	2841

Public Vehicles Act

PV	168
PVS	111
	<hr/>
	279

Motor Vehicle Transport Act (Canada) 1938

Total 5058

Public Vehicle Tariffs—no longer at the Board

APPENDIX "D-2"

THE ONTARIO HIGHWAY TRANSPORT BOARD

APPLICATIONS PROCESSED

January 1st to December 31st, 1987

CLASS	TOTAL	GRANTED	DENIED	# of CASES OPPOSED	* of RESPONDENTS
A	297	271	26	68	322
C	54	48	6	19	70
D	957	822	135	217	536
E	2	1	1	0	0
F	43	32	11	5	9
FF	1	1	0	1	3
FS	12	10	2	2	15
H	45	26	19	29	58
K	43	35	8	12	31
L	14	14	0	0	0
R	992	786	206	6	13
T	115	100	15	22	75
W	37	27	10	15	23
Y	15	14	1	0	0
<hr/>					
PCV'S	2627	2187	440	396	1155
<hr/>					
PV	161	119	42	53	171
PVS	100	97	3	4	6
<hr/>					
PV'S	261	216	45	57	177
<hr/>					
PCVX	1893	1652	241	358	1571
FFX	2	2	0	4	16
PVX	75	61	14	25	74
<hr/>					
MVTA'S	1970	1715	255	387	1661
<hr/>					
TOTAL	4858	4118	740	840	2993

JAN. FEB. MAR. APR. MAY JUNE JULY AUG. SEPT. OCT. NOV. DEC. TOTAL

Tariffs	No longer at the Board												
Reasons for Decision	18	16	11	9	10	11	15	8	7	14	7	6	132
Applications Withdrawn	51	39	63	61	55	19	38	42	63	48	41	39	559
Telegrams	45	56	68	62	51	86	64	182	104	86	101	74	979

THE ONTARIO HIGHWAY TRANSPORT BOARD
BOARD DECISIONS - AFTER PUBLIC HEARING FOR THE YEAR 1987

CLASS	TEMPORARIES/INTERIMS			LICENCE APPLICATIONS			TRANSFERS AND SHARES		
	APPLICATIONS	DENIED	GRANTED	APPLICATIONS	DENIED	GRANTED	APPLICATIONS	DENIED	GRANTED
A	1	0	1	85	15	70	5	0	5
C	1	0	1	12	0	12	3	1	2
D	5	0	5	269	45	224	12	1	11
E	0	0	0	0	0	0	0	0	0
F	0	0	0	8	2	6	0	0	0
FF	0	0	0	1	0	1	0	0	0
FS	0	0	0	4	1	3	1	0	1
H	0	0	0	25	11	14	0	0	0
K	0	0	0	15	2	13	2	0	2
L	0	0	0	0	0	0	0	0	0
R	3	0	3	670	108	562	8	1	7
T	2	0	2	26	6	20	0	0	0
W	0	0	0	16	5	11	3	0	3
Y	0	0	0	0	0	0	0	0	0
PCV'S	12	0	12	1131	195	936	34	3	31
PV	2	0	2	45	14	31	15	0	15
PVS	0	0	0	8	0	8	0	0	0
PV'S	2	0	2	53	14	39	15	0	15
PCVX	5	0	5	285	49	236	29	1	28
FFX	0	0	0	2	0	2	0	0	0
PVX	0	0	0	18	10	8	5	0	5
MVTA'S	5	0	5	305	59	246	34	1	33
TOTAL	19	0	19	1489	268	1221	83	4	79

APPENDIX "D-4"

THE ONTARIO HIGHWAY TRANSPORT BOARD OUT OF TOWN AND JOINT PROVINCIAL HEARINGS

Held January 1st to December 31st, 1987

APPLICATIONS HEARD

Month	Location	Number	Adjourned	Granted	Denied	Pending
January	Hull	2	0	2	0	0
	London	7	0	7	0	0
	Ottawa	6	0	5	1	0
	Sudbury	12	0	10	2	0
	Toronto	62	0	49	13	0
	Windsor	7	0	6	1	0
February	Hull	1	0	1	0	0
	Huntsville	1	0	1	0	0
	Kitchener	4	0	3	1	0
	London	2	0	2	0	0
	North Bay	1	0	1	0	0
	Ottawa	8	0	7	1	0
	Smiths Falls	1	0	1	0	0
	Thunder Bay	2	0	1	1	0
	Toronto	48	0	40	6	2
	Windsor	1	0	1	0	0
March	Belleville	1	0	1	0	0
	Kingston	1	0	1	0	0
	London	7	0	3	4	0
	Ottawa	2	0	1	1	0
	Picton	1	0	1	0	0
	Sudbury	2	0	2	0	0
	Toronto	65	0	55	7	3
	Windsor	4	0	2	2	0
April	Kapuskasing	4	0	4	0	0
	Kitchener	18	0	17	1	0
	London	10	0	8	2	0
	North Bay	3	0	1	1	1
	Ottawa	8	0	3	3	2
	Sault Ste. Marie	6	0	5	1	0
	Thunder Bay	8	0	5	3	0
	Timmins	2	0	2	0	0
	Toronto	134	2	120	10	2
	Windsor	2	0	2	0	0

APPLICATIONS HEARD - CONTINUED

Month	Location	Number	Adjourned	Granted	Denied	Pending
May	Kapuskasing	2	0	0	2	0
	Kitchener	13	0	13	0	0
	London	8	0	7	1	0
	North Bay	6	0	6	0	0
	Ottawa	25	0	23	2	0
	Sudbury	12	0	8	4	0
	Thunder Bay	4	0	4	0	0
	Timmins	6	0	5	1	0
	Toronto	201	1	178	19	3
	Windsor	7	0	6	1	0
June	Hamilton	1	0	1	0	0
	Huntsville	1	0	1	0	0
	Kingston	1	0	1	0	0
	Kitchener	1	0	1	0	0
	London	8	0	7	1	0
	North Bay	5	0	5	0	0
	Ottawa	3	0	3	0	0
	Picton	3	0	2	1	0
	Sudbury	3	0	1	2	0
	Thunder Bay	1	0	1	0	0
	Timmins	2	0	2	0	0
	Toronto	94	1	79	12	2
July	Dryden	1	0	0	0	1
	Kitchener	2	0	2	0	0
	London	1	0	0	1	0
	North Bay	9	0	4	5	0
	Ottawa	9	0	7	1	1
	Peterborough	4	1	2	0	1
	St. Catharines	3	0	1	2	0
	Toronto	70	6	50	8	6
	Windsor	3	0	1	2	0
August	Kapuskasing	1	0	1	0	0
	Kingston	2	0	0	2	0
	Kitchener	4	0	4	0	0
	London	5	0	5	0	0
	Ottawa	9	0	8	1	0
	Peterborough	1	0	1	0	0
	Sault Ste. Marie	2	1	0	0	1
	Toronto	59	0	36	19	4
	Windsor	2	0	0	2	0

APPLICATIONS HEARD - CONTINUED

Month	Location	Number	Adjourned	Granted	Denied	Pending
September	Dryden	7	0	6	1	0
	Kapuskasing	7	0	7	0	0
	Kitchener	51	0	45	6	0
	London	13	0	7	6	0
	North Bay	5	0	4	1	0
	Ottawa	24	0	14	10	0
	Renfrew	1	0	0	0	1
	Sault Ste. Marie	3	0	3	0	0
	Sudbury	12	1	8	2	1
	Thunder Bay	14	0	13	1	0
	Timmins	5	0	5	0	0
	Toronto	110	2	75	28	5
	Windsor	10	2	4	2	2
October	Kitchener	3	0	3	0	0
	London	1	0	1	0	0
	North Bay	1	0	1	0	0
	Ottawa	9	0	7	2	0
	Owen Sound	1	0	1	0	0
	Timmins	1	0	0	1	0
	Toronto	178	8	127	31	12
	Windsor	4	0	4	0	0
November	Winnipeg	1	0	1	0	0
	Burlington	2	1	0	0	1
	Hamilton	2	0	2	0	0
	London	8	1	5	1	1
	Ottawa	6	0	3	1	2
	Sarnia	2	0	0	2	0
	Sault Ste. Marie	1	0	0	0	1
	Sudbury	1	0	1	0	0
	Thunder Bay	2	0	2	0	0
	Toronto	134	24	63	13	34
	Windsor	3	1	1	0	1
December	Belleville	1	0	1	0	0
	Chatham	2	0	2	0	0
	Hamilton	2	1	0	0	1
	Kirkland Lake	1	0	1	0	0
	Kitchener	8	2	4	0	2
	London	15	0	9	4	2
	North Bay	3	1	0	0	2
	Ottawa	12	0	8	4	0
	Perth	4	2	0	0	2
	Sault Ste. Marie	6	3	0	0	3
	Toronto	274	78	107	7	82
	Windsor	2	1	0	0	1

THE ONTARIO HIGHWAY TRANSPORT BOARD
BOARD DECISIONS - WITHOUT PUBLIC HEARING FOR THE YEAR 1987

CLASS	TEMPORARIES/INTERIMS			LICENCE APPLICATIONS			TRANSFERS AND SHARES		
	APPLICATIONS	DENIED	GRANTED	APPLICATIONS	DENIED	GRANTED	APPLICATIONS	DENIED	GRANTED
A	37	2	35	137	8	129	32	1	31
C	5	3	2	28	2	26	5	0	5
D	123	33	90	490	56	434	58	0	58
E	0	0	0	2	1	1	0	0	0
F	6	4	2	14	5	9	15	0	15
FF	0	0	0	0	0	0	0	0	0
FS	0	0	0	2	1	1	5	0	5
H	4	3	1	9	4	5	7	1	6
K	2	2	0	18	4	14	6	0	6
L	0	0	0	14	0	14	0	0	0
R	88	67	21	40	29	11	183	1	182
T	22	5	17	55	4	51	10	0	10
W	4	2	2	11	3	8	3	0	3
Y	2	1	1	13	0	13	0	0	0
PCV'S	293	122	171	833	117	716	324	3	321
PV	28	6	22	52	22	30	19	0	19
PVS	21	0	21	38	3	35	33	0	33
PV'S	49	6	43	90	25	65	52	0	52
PCVX	252	76	176	1205	112	1093	117	3	114
FFX	0	0	0	0	0	0	0	0	0
PVX	4	0	4	43	4	39	5	0	5
MVTA'S	256	76	180	1248	116	1132	122	3	119
TOTAL	598	204	394	2171	258	1913	498	6	492

FINANCE

	CLASSIFIED STAFF	UNCL. STAFF	TEMP. HELP	TOTAL SALARIES & WAGES	TOTAL TRANSP. COMM.	TOTAL SERVICES	TOTAL SUPPLIES & EQUIP.	TOTAL DIRECT OPERATING EXPENSES	COST CENTRE TOTAL
1. Funds Available	1362.8	46.1	6.9	1408.9	71.5	157.1	16.4	245.0	1653.9
2. Planned Expenditures	1075.9	62.0		1137.9	57.1	120.8	12.8	190.7	1328.6
3. Actual Expenditures	964.8	164.6	(6.9)	1136.3	56.3	126.7	15.1	198.1	1334.4
4. Committed Expenditures									
5. Balance - 5 (6 + 7)	111.1	(102.6)	(6.9)	1.6	0.8	(5.9)	(2.3)	(7.4)	(5.8)
6. Funds available to fiscal Year End - (6 + 7)	398.0	(118.5)		272.6	15.2	30.4	1.3	46.9	319.5

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Ontario Highway Transport Board

ANNUAL REPORT

1988



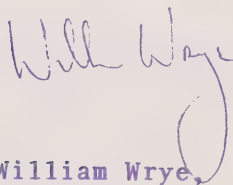
ANNUAL REPORT
OF
THE ONTARIO HIGHWAY TRANSPORT BOARD
for the year ending December 31, 1988

To: The Honourable Lincoln Alexander, P.C., K. St. J., Q.C., B.A.
Lieutenant-Governor of the Province of Ontario

MAY IT PLEASE YOUR HONOUR:

The undersigned takes pleasure in submitting the Annual Report
for the Ontario Highway Transport Board for the calendar year
ending December 31, 1988.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Will Wrye". The signature is fluid and cursive, with a large loop at the end of the last name.

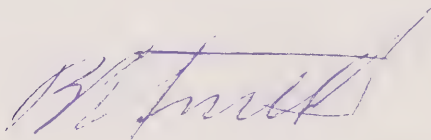
William Wrye,
Minister.

To: The Honourable William Wrye, Minister of Transportation

Sir:

I have the honour to present the report of the activities of
The Ontario Highway Transport Board for the calendar year
ending on December 31, 1988.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "B. E. Smith", written in a cursive style with a horizontal line across the middle.

B. E. Smith,
Chairman.

ANNUAL REPORT
OF
THE ONTARIO HIGHWAY TRANSPORT BOARD
for the year ending December 31, 1988

The Ontario Highway Transport Board pursuant to Section 29 of the Ontario Highway Transport Board Act, R.S.O. 1980, Chapter 338 begs leave to submit its thirty-third Annual Report upon its affairs to the Honourable the Minister of Transportation for the calendar year 1988.

MEMBERS OF THE BOARD:

		<u>DATE APPOINTED</u>
B. E. Smith	Chairman	March 10, 1986
J. E. Magee	Vice Chairman	April 2, 1986
M. D. Priest	Vice Chairman	March 17, 1986
E. J. Canning	Member	March 1, 1980
K. B. McMillan *	Member	June 14, 1985
G. J. Norton **	Member	June 1, 1976
G. R. Samis	Member	March 17, 1986
M. H. Shecter	Member	January 12, 1981
E. R. Skelcher	Member	February 14, 1987

* Retired - December 13, 1988

** Retired - November 30, 1988

ADMINISTRATION

In 1988, 4705 applications were received - a decrease of almost 7% over the previous year. In addition, 70 Airport Limousine applications for service to the Lester B. Pearson International Airport are still pending.

A good part of the administrative activity during the year was associated with familiarizing Board staff with the function and application of the new Motor Vehicle Transport Act, 1987 and the Regulations thereto promulgated January 1st, 1988.

Due to changes in responsibilities for the Board under Bill 88 to be called the Truck Transportation Act and the Ontario Highway Transport Board Amendment Act, further restructuring of administrative staff and functions have been carried out.

The Chairman of the Board continues to oversee the development and transfer of administrative responsibilities between the Board and the Ministry of Transportation.

MOTOR VEHICLE TRANSPORT ACT, 1987

On January 1st, 1988, the Motor Vehicle Transport Act, 1987 came into force. This is a Federal Act respecting motor vehicle transport for the carriage of goods and passengers by extra-provincial undertakings, replacing the Motor Vehicle Transport Act (Canada) of 1954.

Entry into extra-provincial for hire trucking is now based on fitness of the applicant rather than public necessity and convenience. Fitness tests will examine competency and will stress the safety aspect of commercial vehicle operation. A public interest hearing is authorized if an objecting party satisfies the Board with evidence that the operation proposed by the applicant would likely be detrimental to the public interest.

REWRITTEN TRUCK LICENCES

In accordance with the provisions of the new section 10b of the Public Commercial Vehicles Act, R.S.O. 1980, Chapter 407, the Board this year continued its responsibility in the truck licence rewrite program.

A licensed carrier may, by application, request that its operating authority be rewritten in standard form utilizing the Standard Transportation Commodity Code (STCC). Under the program, a carrier may receive operating rights that are not less than it already holds, but not significantly greater either, except to the extent necessary to conform with the prescribed criteria.

The objective of the licence rewrite program is to introduce and encourage uniformity in the language of truck transportation licences, and to enable the carriers to secure operating authorities which will facilitate their operations as the new Truck Transportation Act comes into force.

Approximately seven thousand applications for rewritten licences have been filed with the Ministry, and of that total, the Board has issued 1350 rewritten certificates in 1988.

PETITIONS TO CABINET

Section 22 of the Ontario Highway Transport Board Act, R.S.O. 1980, Chapter 338, provides, "Upon the petition of any party or person interested, filed with the Clerk of the Executive Council within sixty days after the date of any order or decision of the Board, the Lieutenant Governor in Council may,

- (a) confirm, vary or rescind the whole or any part of such order or decision; or
- (b) require the Board to hold a new public hearing of the whole or any part of the application to the Board upon which such order or decision of the Board was made,

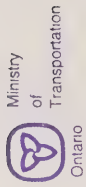
and the decision of the Board after the public hearing ordered under clause (b) is not subject to petition under this section."

During the course of 1988, 6 Petitions were filed with the Clerk of the Executive Council, and their disposition was as follows:

- | | | |
|-------|---|-------------|
| (i) | The Board's original decision was confirmed: | 1 petition |
| (ii) | Executive Council unable to consider petition due to statutory restriction: | 1 petition |
| (iii) | The Board's original decision was varied: | 1 petition |
| (iv) | Petitions pending before Executive Council: | 2 petitions |
| (v) | Petitions withdrawn: | 1 petition |

APPENDIX "A"

1	New Position	Letter	Legend	Date
2	Position Abolished			
3	To/From Other Chart			
4	Position Title Change			
5	Position Number Change			
6	Changed Reporting Relationship			
7	Miscellaneous - See Note			
8	Revised Chart			



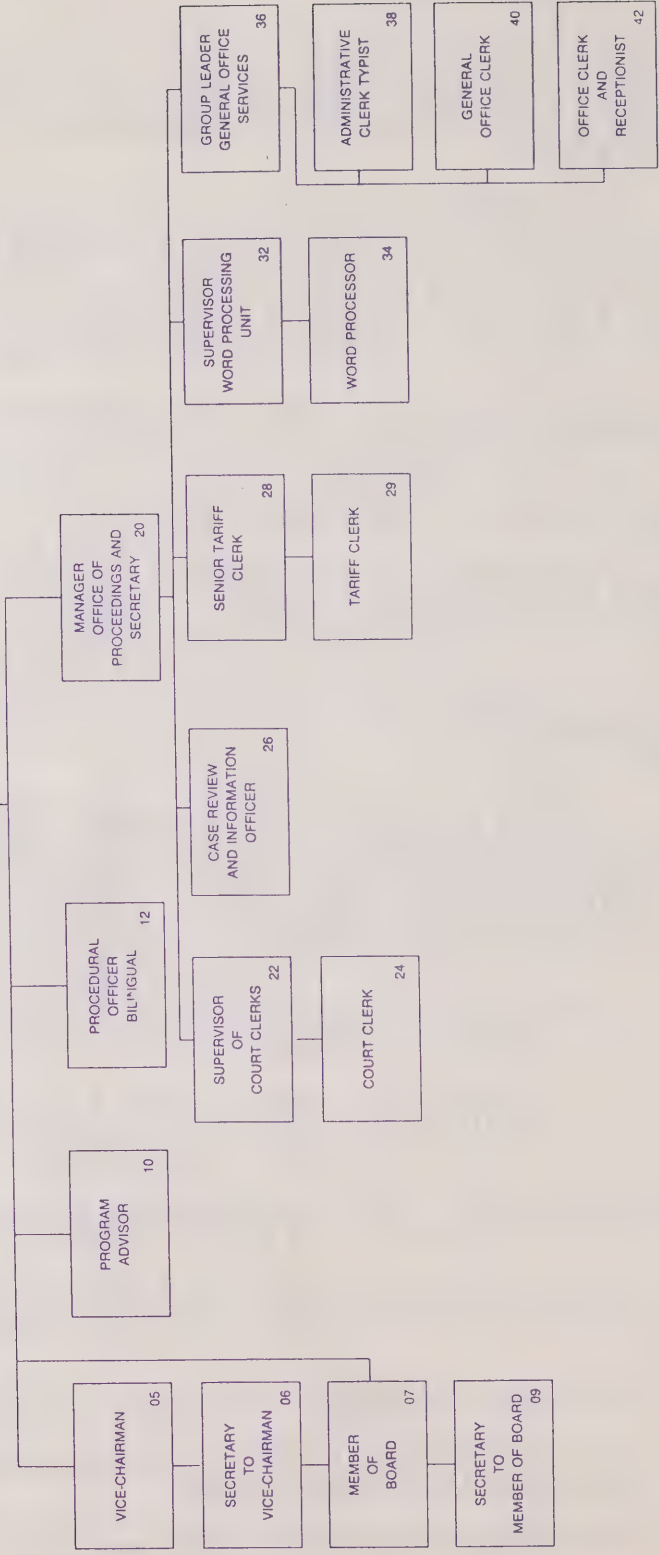
POSITION:
Minister


CHART NO. 06-0010
TO CHART NO. 06-0001

ONTARIO HIGHWAY TRANSPORT BOARD

CHAIRMAN
ONTARIO HIGHWAY
TRANSPORT BOARD
01

SECRETARY
TO
CHAIRMAN
02



APPROVED:  Chairman

APPENDIX "B"

BOARD POLICIES AND PROCEDURES

Policy Statements

Continuing its practice of publishing formulated policy, Board Policy Statements issued to date are as follows:

No. 001/78-9-29 (cancelled and superseded by Policy Statement No. 004/79-8-2) Effective date:	Renewal of licence under the Public Commercial Vehicles Act. September 29, 1978
No. 002/79-2-1 Effective date:	Adjournment of Hearing February 1, 1979
No. 003/79-5-14 Effective date:	Admissibility as evidence of photocopies and microfilm prints. May 14, 1979
No. 004/79-8-2 Effective date:	Renewal of a public commercial or public vehicle operating licence. Immediate
No. 005/79-9-7 Effective date:	Recording of hearing proceedings. September 7, 1979
No. 006/79-9-7 Effective date:	Transfers and temporaries. September 7, 1979

No. 007/79-9-7	Cancellation of interim licence of adjournment of hearing.
Effective date:	September 7, 1979
No. 008/79-11-19	Expanded use of Section 8 proceedings.
Effective date:	Immediate
(amended by Policy Statement No. 012/81-1-1)	
No. 009/80-1-14	Hearing procedures for applications for Class "R" operating licence.
Effective date:	Immediate
No. 010/80-9-4	Complementary authorities.
Effective date:	Draft for discussion purposes - no implementation date.
No. 011/80-9-30	Distribution of notices of decision.
Effective date:	Immediate
No. 012/81-1-1	Amendment to Policy Statement No. 008/79-11-19.
	Expanded use of Section 8 proceedings.
Effective date:	January 1, 1981
No. 013/81-6-25	Complementary authorities.
Effective date:	Immediate
No. 014/81-9-16	Filing of Notices of Objection.
Effective date:	September 16, 1981

No. 015/81-12-2	Change of name of licence holders P.C.V. operating licences.
Effective date:	Immediate
No. 016/81-12-2	Issuance of summonses.
Effective date:	December 2, 1981
No. 017/82-6-22	Commercial motor vehicle lease approval.
Effective date:	July 1, 1982
No. 018/82-12-22	Metrication of weight, size and distance in applications.
Effective date:	December 22, 1982
No. 019/83-1-31	Metropolitan Toronto commercial zone.
Effective date:	Immediate
No. 020/83-3-23	Procedures for issuing non-permanent authorities.
Effective date:	May 30, 1983
No. 021/83-4-14	In-transit authorities.
Effective date:	Immediate
No. 022/83-6-27	Applications received after June 21, 1983.
Effective date:	Immediate
No. 024/83-8-16	Form of headings for orders, certificates and reports.
Effective date:	August 22, 1983

No. 025/83-8-18	Requests for adjournments.
Effective date:	Immediate
No. 026/83-10-5	Listings for the Ontario Gazette.
Effective date:	Immediate
No. 027/84-4-26	Scheduling of Hearings.
Effective date:	Immediate
No. 028/84-11-19	Applications for interim and temporary operating licences.
Effective date:	December 1, 1984
No. 029/85-5-2	Filing of Complementary authorities.
Effective date:	April 15, 1985
No. 030/85-5-15	Transfer of part of an operating licence.
Effective date:	Immediate
No. 031/85-6-26	Applications for operating licences by applicants currently unlicensed.
Effective date:	July 15, 1985
No. 032/85-6-26	Reduction of administrative costs to the public and industry.
Effective date:	July 15, 1985

No. 033/85-9-23

Clarification of procedures
respecting renewals of expired
operating licences.

Immediate

Effective date:

No. 036/85-12-11

Tariff approval for new public
vehicle services.

March 1, 1986

Effective date:

No. 037/86-7-10

Amendment to Policy Statement
031/85-6-26.

Qualifications of New Carriers.

Immediate

Effective date:

No. 038/87-3-24

Applications for Temporary and
Permanent Operating Licences by
unlicensed applicants

Immediate

Effective date:

APPENDIX "C-1"

THE ONTARIO HIGHWAY TRANSPORT BOARD

REVENUE

January 1st to December 31st, 1988

Application Fees	\$ 72,480.00
Court Costs	\$ 42,977.75
Tariffs (including copies)	\$ 16,523.14
Credits and U.S. Exchange	\$ 4,506.23
Miscellaneous	<u>\$141,188.19</u>
Gross Revenue	\$277,675.31
Refunds and N.S.F. Cheques	<u>\$ 7,831.77</u>
Net Revenue	\$269,843.54

APPENDIX "C-2"

THE ONTARIO HIGHWAY TRANSPORT BOARD

FINANCE

January 1st to December 31st, 1988

	TOTAL SALARIES & WAGES	TOTAL TRANSP. COMM.	TOTAL SERVICES	TOTAL SUPPLIES & EQUIP.	TOTAL DIRECT OPERATING EXPENSES	COST CENTRE TOTAL
1. Funds Available	1062.3	71.5	157.1	16.4	245.0	1307.3
2. Actual Expenditures	977.7	41.1	108.1	24.1	173.3	1151.0
3. Funds available to fiscal Year End	84.6	30.4	49.0	7.7	71.7	156.3

APPENDICES "D-1 TO D-5"

THE ONTARIO HIGHWAY TRANSPORT BOARD

GLOSSARY

INITIALS	COMPLETE TERM
A	CLASSIFICATION OF LICENCES UNDER REGULATION 832 UNDER THE PUBLIC COMMERCIAL VEHICLES ACT, R.S.O. 1980, CHAPTER 407
C	
D	
E	
F	
FS	
H	
K	
R	
T	
W	
GF	GENERAL FREIGHT
HG	HOUSEHOLD GOODS
NC	NAMED COMMODITY
HS	HEAVY SPECIALIZED
PV	PUBLIC VEHICLE
PVS	PUBLIC VEHICLE (SCHOOL BUS)
PVX	EXTRA-PROVINCIAL PUBLIC VEHICLE
PCV	PUBLIC COMMERCIAL VEHICLE
MVT	MOTOR VEHICLE TRANSPORT
TV	TANK VEHICLE
IC	INTERCHANGE
BG	BULK GOODS
RC	ROAD CONSTRUCTION

APPENDIX "D-1"

THE ONTARIO HIGHWAY TRANSPORT BOARD

APPLICATIONS RECEIVED

January 1st to December 31st, 1988

CLASS OF LICENCE

Public Commercial Vehicles Act

A	173
C	27
D	472
E	5
F	20
FS	16
H	71
K	65
R	993
T	74
W	26
GF	17
HG	1
NC	37
HS	<u>1</u>
	<u>1998</u>

Public Vehicles Act

PV	157
PVS	<u>163</u>
	<u>320</u>

Motor Vehicle Transport Act, 1987

Extra-provincial	1609
Corridor	137
Intra-provincial	563
PVX	<u>78</u>
	<u>2387</u>

Total	<u>4705</u>
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Airport Limousine Applications

70 (Pending)

APPENDIX "D-2"

THE ONTARIO HIGHWAY TRANSPORT BOARD

APPLICATIONS PROCESSED

January 1st to December 31st, 1988

CLASS	TOTAL	GRANTED	DENIED	# of CASES OPPOSED	# of RESPONDENTS
A	129	117	12	51	140
C	17	16	1	5	17
D	356	322	34	93	196
E	5	5	0	0	0
F	15	14	1	3	4
FS	14	14	0	1	1
H	50	42	8	18	40
K	50	43	7	23	38
R	829	706	123	8	13
T	58	56	2	11	18
W	15	10	5	7	11
GF	15	14	1	9	18
HG	1	1	0	1	1
NC	31	26	5	6	12
HS	0	0	0	1	1
PCV	1585	1386	199	237	510
PV	93	79	14	59	274
PVS	129	127	2	7	7
PV	222	206	16	66	281
EXTRA-PROVINCIAL	1322	1310	12	1031	1940
CORRIDOR	105	105	0	2	2
INTRA-PROVINCIAL	233	220	13	248	874
PVX	60	55	5	17	53
MVT	1720	1690	30	1298	2869
TOTAL	3527	3282	245	1601	3660

JAN. FEB. MAR. APR. MAY JUNE JULY AUG. SEPT. OCT. NOV. DEC. TO

REASONS
FOR

DECISION 3 1 0 2 5 4 7 7 3 3 3 0

APPENDIX "D-3"

THE ONTARIO HIGHWAY TRANSPORT BOARD

APPLICATIONS RECEIVED

FOR THE YEAR 1988

PUBLIC COMMERCIAL VEHICLES ACT

CLASS	GRANTED	DENIED	WITHDRAWN	PENDING	TOTAL
A	117	12	24	20	173
C	16	1	7	3	27
D	322	34	83	33	472
E	5	0	0	0	5
F	14	1	4	1	20
FS	14	0	2	0	16
H	42	8	16	5	71
K	43	7	13	2	65
R	706	123	127	37	993
T	56	2	7	9	74
W	10	5	11	0	26
GF	14	1	1	1	17
HG	1	0	0	0	1
NC	26	5	2	4	37
HS	0	0	1	0	1
TOTAL	1386	199	298	115	1998

PUBLIC VEHICLES ACT

CLASS	GRANTED	DENIED	WITHDRAWN	PENDING	TOTAL
PV	79	14	41	23	157
PVS	127	2	16	18	163
TOTAL	206	16	57	41	320

APPENDIX "D-4"

THE ONTARIO HIGHWAY TRANSPORT BOARD

APPLICATIONS RECEIVED

FOR THE YEAR 1988

MOTOR VEHICLE TRANSPORT ACT, 1987

CLASS	GRANTED	DENIED	WITHDRAWN	PENDING	TOTAL
PVX	55	5	10	8	78
EXTRA-PROVINCIAL	1311	12	88	200	1611
CORRIDOR	105	0	6	26	137
<hr/>					
TOTAL	1471	17	104	234	1826

INTRA-PROVINCIAL APPLICATIONS

NC	70	7	35	112	224
GF	75	5	40	90	210
TV	22	0	6	5	33
IC	8	0	5	4	17
HS	1	0	1	0	2
HG	7	0	1	2	10
BG	3	0	1	0	4
H	3	0	0	0	3
T	2	0	0	0	2
D	11	0	6	3	20
A	15	1	7	12	35
RC	2	0	0	0	2
<hr/>					
TOTAL	219	13	102	228	562

APPENDIX "D-5"

THE ONTARIO HIGHWAY TRANSPORT BOARD

TRANSFERS RECEIVED

FOR THE YEAR 1988

ACT	TOTAL	GRANTED	DENIED	WITHDRAWN	PENDING
PCV	304	259	1	22	22
MVT	14	1	2	2	9
PV	79	59	1	8	11
TOTAL	397	319	4	32	42

TEMPORARIES RECEIVED

FOR THE YEAR 1988

ACT	TOTAL	GRANTED	DENIED	WITHDRAWN	PENDING
PCV	272	115	48	91	18
MVT	213	57	9	53	94
PV	62	44	3	9	6
TOTAL	547	216	60	153	118

APPENDIX "D-6"

THE ONTARIO HIGHWAY TRANSPORT BOARD METROPOLITAN TORONTO AND OUT OF TOWN HEARINGS

Held January 1st to December 31st, 1988

APPLICATIONS HEARD

Month	Location	Adjourned	Denied	Granted	Hearing	Pending
January	Toronto	13	1	47	2	0
February	Barrie	0	0	0	1	0
	Belleville	1	0	0	0	0
	Kingston	0	0	1	0	0
	London	2	1	4	2	0
	Toronto	4	0	23	2	1
March	Barrie	1	0	11	1	0
	Hamilton	1	4	6	0	0
	Kitchener	3	1	8	2	0
	London	0	0	3	0	0
	Niagara Falls	0	1	0	0	0
	Ottawa	1	0	6	1	0
	Toronto	23	4	42	10	1
	Windsor	1	2	3	2	1
April	Belleville	0	1	0	0	0
	Dryden	0	1	9	1	0
	Kapuskasing	0	3	5	1	0
	Kingston	0	1	4	1	0
	Kitchener	0	2	16	0	0
	London	0	0	17	0	0
	North Bay	2	5	20	0	0
	Ottawa	0	0	13	5	0
	Peterborough	0	2	5	2	0
	Sault Ste. Marie	0	1	7	1	0
	Sudbury	0	5	17	0	0
	Thunder Bay	0	6	4	4	0
	Timmins	0	0	5	0	0
	Toronto	18	13	77	5	0
	Windsor	0	1	7	1	0

.....2.

APPLICATIONS HEARD - CONTINUED

Month	Location	Adjourned	Denied	Granted	Hearing	Pending
May	London	0	0	1	0	0
	Owen Sound	0	0	1	0	0
	Renfrew	0	0	1	0	0
	Sault Ste. Marie	0	0	1	0	0
	St. Catharines	0	2	0	0	0
	Toronto	3	23	134	14	0
June	Brantford	0	0	1	0	0
	Dryden	0	1	2	0	0
	Goderich	0	0	1	0	0
	Huntsville	0	0	0	1	0
	Kitchener	0	0	2	0	0
	Niagara Falls	0	0	0	2	0
	North Bay	0	0	3	0	0
	Sudbury	0	0	1	0	0
	Thunder Bay	0	0	5	0	0
	Toronto	70	3	16	16	0
July	Cochrane	0	0	1	0	0
	Hamilton	0	0	3	0	1
	Kapuskasing	0	0	5	0	0
	London	1	2	5	0	0
	Ottawa	0	1	6	0	0
	Sault Ste. Marie	1	0	0	0	0
	Toronto	5	8	14	28	2
	Windsor	0	0	1	0	0
August	Kingston	0	0	4	0	0
	Kitchener	0	0	2	0	0
	London	0	0	2	0	0
	Owen Sound	0	1	0	0	0
	Sudbury	0	0	2	1	0
	Toronto	1	3	19	8	0

.....3.

APPLICATIONS HEARD - CONTINUED

Month	Location	Number	Adjourned	Granted	Denied	Pending
September	Dryden	0	2	12	0	0
	Kapuskasing	0	2	3	0	0
	Kitchener	0	3	16	0	0
	London	0	2	14	0	0
	North Bay	0	1	11	0	0
	Ottawa	0	3	24	0	0
	Sault Ste. Marie	0	1	10	0	0
	Sudbury	0	2	8	0	0
	Thunder Bay	1	2	15	0	0
	Timmins	0	0	4	0	1
	Toronto	5	23	64	1	0
	Windsor	0	1	5	0	0
October	Kingston	0	0	1	0	0
	London	1	1	7	1	0
	Ottawa	2	0	6	0	0
	Peterborough	1	0	0	0	0
	Sudbury	0	1	0	0	0
	Toronto	8	8	79	1	0
November	Barrie	0	2	0	0	0
	Kitchener	1	0	2	0	0
	North Bay	0	1	5	0	0
	Toronto	10	1	19	0	0
	Welland	0	0	2	0	0
	Windsor	1	0	0	0	0
December	Kingston	0	0	2	1	0
	London	2	1	6	0	0
	North Bay	1	0	1	0	0
	Ottawa	0	4	9	0	0
	Toronto	6	3	16	1	0
TOTAL		190	163	934	119	7

